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PROCEEDINGS
OF THE
MARYLAND STATE CONVENTION,
TO FRAME
A NEW CONSTITUTION.

COMMENCED AT ANNAPOLIS, NOVEMBER 4, 1850.

ANNAPOLIS :
RILEY & DAVIS, PRINTERS.
.....
1850.

PROCEEDINGS.

CHAMBER OF THE HOUSE OF DELEGATES.

MONDAY, November 4th, 1850.

This was the day appointed for the meeting of the State Convention to revise the Constitution of Maryland. A quorum of the members elect did not attend.

On motion of Mr. Samuel Sprigg,

The delegates in attendance adjourned until 12 o'clock to-morrow.

TUESDAY, November 5th, 1850.

At the hour of 12½, on motion of Mr. SPRIGG, of Prince George, the Convention was called to order, by inviting Mr. BENJAMIN C. HOWARD, of Baltimore county, to the Chair.

On motion of Mr. ELIAS BROWN, of Carroll, JAMES L. RIDGELY, of Baltimore county, was appointed Secretary, pro tem.

On motion of Mr. WILLIAM H. TUCK, of Prince George, the Chair was authorised to appoint a committee of three, to wait on the Executive and obtain a list of the Delegates chosen to this Convention.

The Chair named Messrs. TUCK of Prince George, GWINN of Baltimore city, and RICAUD of Kent, as the committee.

Mr. TUCK, from the committee, appointed to wait on the Governor, to obtain a list of the Delegates elect to the Convention, reported that the committee had performed that duty, and that the

Secretary of State, was now in attendance with a communication from the Governor, touching that subject.

Whereupon, JOHN NICK WATKINS, Esq., Secretary of State, presented the following communication from the Governor to the Convention, together with the official returns of the election :

STATE DEPARTMENT, Annapolis, Md.

November 5th, 1850.

Gentlemen of the Convention :

I have the honor, in compliance with your request, to transmit herewith the returns of the election held on the first Wednesday of September last, under the Act of December session, eighteen hundred and forty-nine, chapter three hundred and forty-six, entitled, "an act to provide for the taking the sense of the people upon the expediency of calling a Convention to frame a new Constitution and Form of Government for this State, and to provide for the election of Delegates to such Convention," and a list of the Delegates to the Convention.

PHILIP F. THOMAS.

A List of Members of the Maryland State Convention, elected under the provisions of the Act of the General Assembly, of December session 1849, chapter 346 :

Saint Mary's County—George C. Morgan, William I. Blakistone, John F. Dent, James R. Hopewell.

Kent County—James B. Ricaud, John Lee, Ezekiel F. Chambers, Joseph T. Mitchell.

Anne Arundel County—Thomas Donaldson, Thomas B. Dorsey, George Wells, Alexander Randall, James Kent, John S. Sellman.

Calvert County—George W. Weems, Jesse J. Dalrymple, John Bond, A. R. Sollers.

Charles County—George Brent, John G. Chapman, William D. Merrick, Daniel Jenifer.

Baltimore County—Benjamin C. Howard, James M. Buchanan, Ephraim Bell, Thomas J. Welsh, Hartwell J. Chandler, James L. Ridgely.

Talbot County—Edward Lloyd, Samuel P. Dickinson, Cornelius Sherwood, Morris O. Colston.

Somerset County—John Dennis, James U. Dennis, John W. Crisfield, John J. Dashiell, William Williams.

Dorchester County—Thomas H. Hicks, John H. Hodson, William T. Goldsborough, Joseph R. Eccleston, Francis P. Phelps.

Cecil County—Albert Constable, Benjamin B. Chambers, William McCullough, John M. Miller, Louis McLane.

Prince George's County—Thomas F. Bowie, William H. Tuck, Samuel Sprigg, John M. S. McCubbin, John D. Bowling.

Queen Anne's County—William A. Spencer, William Grason, Enoch George, Henry E. Wright.

Worcester County—Levin L. Dirickson, Samuel S. McMaster, Ebenezer Hearn, James M. Fooks, Curtis W. Jacobs.

Frederick County—Francis Thomas, Edward Shriver, William Cost Johnson, John D. Gaither, Daniel S. Biser, Robert Annan.

Harford County—John Sappington, William B. Stephenson, Ramsey McHenry, Samuel M. Magraw, James Nelson.

Caroline County—Richard C. Carter, John Thawley, Thomas R. Stewart, Edward Hardcastle.

Baltimore City—Charles J. M. Gwinn, David Stewart, Robert J. Brent, George W. Sherwood, Benjamin C. Presstman, Elias Ware, Jr.

Washington County—George Schley, Lewis P. Fiery, Alexander Neill, Jr., John Newcomer, Thomas Harbine, Michael Newcomer.

Montgomery County—John M. Kilgour, Allen Bowie Davis, Washington Waters, John Brewer, James W. Anderson.

Allegany County—William Weber, William M. Hollyday, John Slicer, James Fitzpatrick, Samuel P. Smith.

Carroll County—Andrew G. Ege, Mordecai G. Cockey, Joseph M. Parke, Jacob Shower, Elias Brown.

The roll being called by the Secretary, all the Delegates elect were present, except Mr. GRASON, of Queen Anne's, Messrs. JAMES U. DENNIS and JOHN W. CRISFIELD, of Somerset.

Mr. WILLIAM A. SPENCER, of Queen Anne's, apologised for the absence of his colleague, Mr. GRASON, on account of indisposition.

On motion of Mr. DANIEL JENIFER, of Charles, the Convention adjourned until to-morrow, at 12 o'clock.

WEDNESDAY, November 6th, 1850.

The Convention re-assembled pursuant to adjournment. Mr. BENJAMIN C. HOWARD in the Chair.

The roll being called by the Secretary, all the Delegates elect were present, except Mr. William Grason, of Queen Anne's.

The minutes of yesterday were read and approved.

Mr. McHenry of Harford county, moved that the Convention now proceed to elect a President *viva voce*.

Mr. Dorsey of Anne Arundel, asked a division of the question, and the question being on the first branch of the proposition, o wit :

"That this Convention now proceed to the election of a President;"

It was agreed to.

The question recurred on the second branch of the proposition, to wit: "viva voce."

Mr. Phelps of Dorchester, moved to amend by striking out "viva voce," and inserting "by ballot;"

Mr. Presstman of Baltimore city, called for the yeas and nays ;
And the question being,

"Will the House now direct the yeas and nays to be taken, upon the vote upon the amendment submitted by Mr. Phelps, of Dorchester?" it was

Resolved in the affirmative.

The question recurred upon the amendment of Mr. Phelps, of Dorchester, to wit: to strike out "viva voce" and insert "by ballot;"

Which was resolved in the negative.

The yeas and nays being required appeared as follows :

AFFIRMATIVE.

Messrs. Morgan	Chapman	Bowie
Blakistone	Merrick	Tuck,
Dent	Dennis, John	Sprigg
Hopewell	Dennis, James U.	McCubbin
Dorsey	Crisfield	Dirickson
Wells	Dashiell	McMaster
Kent	Williams	Hearn
Weems	Hicks	Fooks
Dalrymple	Hodson	Jacobs
Bond	Goldsborough	Kilgour
Sollers	Eccleston	Waters—35.
Brent, of Charles,	Phelps	

NEGATIVE.

Messrs. Ricaud	McLane	Brent, of Balt. city,
Lee	Bowling	Sherwood, of Balt.
Chambers, of Kent,	Spencer	Presstman
Mitchell	George	Ware
Donaldson	Wright	Schley
Randall	Thomas	Fiery
Sellman	Shriver	Neill
Jenifer	Johnson	Newcomer, John
Howard	Gaither	Harbine
Buchanan	Biser	Newcomer, Michael
Bell	Annan	Davis
Welsh	Sappington	Brewer
Chandler	Stephenson	Anderson
Ridgely	McHenry	Weber
Lloyd	Magraw	Hollyday
Dickinson	Nelson	Slicer
Sherwood of Talbot,	Carter	Smith
Colston	Thawley	Ege
Constable	Stewart, of Caroline,	Cockey

Chambers, of Cecil	Hardcastle	Parke
McCullough	Gwinn	Shower
Miller	Stewart, of Balt.	Brown—66.

The question recurred on the second branch of the proposition of Mr. McHenry of Harford, to wit: to elect a President "viva voce;"

Which was agreed to.

Mr. Ricaud, of Kent, nominated Mr. John G. Chapman, of Charles.

Mr. Ege, of Carroll, nominated Mr. William Cost Johnson, of Frederick.

Mr. Constable, of Cecil, nominated Mr. Benjamin C. Howard, of Baltimore county.

The Chairman, p. t., having retired from the Chair, Mr. Sprigg of Prince George, presided.

The Chair announced the appointment of Messrs. Jenifer of Charles, and Constable of Cecil, as Tellers.

On motion of Mr. Spencer, of Queen Anne's, it was

Resolved, That a majority of all the votes cast should be necessary for a choice.

The roll being called by the Secretary, and the vote taken, the Tellers reported that 97 votes had been cast, of which number

John G. Chapman had..... 48

Benjamin C. Howard had..... 40

William Cost Johnson had..... 9

And that no majority appearing no election was had.

The Convention proceeded again to vote, when the Tellers reported the following as the result:—

FOR JOHN G. CHAPMAN.

Morgan,	Sollers,	Sprigg,
Blakistone,	Brent, of Charles,	McCubbin,
Dent,	Merrick,	Bowling,
Hopewell,	Jenifer,	Dirickson,
Ricaud,	Dennis, John	McMaster,
Lee,	Dennis, James U.	Hearn,
Chambers, of Kent,	Crisfield,	Fooks,
Mitchell,	Dashiell,	Jacobs,
Donaldson,	Williams,	Schley,
Dorsey,	Hicks,	Fiery,
Wells,	Hodson,	Neill,
Randall,	Goldsborough,	Newcomer, John
Kent,	Eccleston,	Kilgour,
Weems,	Phelps,	Davis,
Dalrymple,	Bowie,	Waters,
Bond,	Tuck,	Smith—48.

FOR BENJAMIN C. HOWARD.

Sellman,	Spencer,	Stewart, of Balt. city,
Buchanan,	George,	Brent, of Balt. city,

Bell,	Wright,	Sherwood, of Balt.
Welsh,	Thomas,	Presstman,
Chandler,	Sappington,	Ware,
Lloyd,	Stephenson,	Harbine,
Dickinson,	McHenry,	Newcomer, Michael
Sherwood of Talbot,	Magraw,	Brewer,
Colston,	Nelson,	Anderson,
Constable,	Carter,	Weber,
Chambers, of Cecil,	Thawley,	Hollyday,
McCullough,	Stewart, of Caroline,	Slicer,
Miller,	Hardcastle,	Brown—41.
McLane,	Gwinn,	

FOR WILLIAM COST JOHNSON.

Ridgely,	Biser,	Cockey,
Shriver,	Annan,	Parke,
Gaither,	Ege,	Shower.—9.

And that no majority appearing no election was had.

The Convention proceeded again to vote, when the Tellers reported the following as the result :—

FOR JOHN G. CHAPMAN.

Morgan,	Sollers,	Sprigg,
Blakistone,	Brent, of Charles,	McCubbin,
Dent,	Merrick,	Bowling,
Hopewell,	Jenifer,	Dirickson,
Ricaud,	Dennis, John	McMaster,
Lee,	Dennis, James U.	Hearn,
Chambers, of Kent,	Crisfield,	Fooks,
Mitchell,	Dashiell,	Jacobs,
Donaldson,	Williams,	Schley,
Dorsey,	Hicks,	Fiery,
Wells,	Hodson,	Neill,
Randall,	Goldsborough,	Newcomer, John
Kent,	Eccleston,	Kilgour,
Weems,	Phelps,	Davis,
Dalrymple,	Bowie,	Waters,
Bond,	Tuck,	Smith—48.

FOR BENJAMIN C. HOWARD.

Sellman,	Spencer,	Stewart, of Balt. city.
Buchanan,	George,	Brent, “ “
Bell,	Wright,	Sherwood, “ “
Welsh,	Thomas,	Presstman,
Chandler,	Sappington,	Ware,
Lloyd,	Stephenson,	Harbine,
Dickinson,	McHenry,	Newcomer, Michael,
Sherwood of Talbot,	Magraw,	Brewer,
Colston,	Nelson,	Anderson,
Constable,	Carter,	Weber,
Chambers, of Cecil,	Thawley,	Hollyday,

McCullough,	Stewart, of Caroline,	Slicer,
Miller,	Hardcastle,	Fitzpatrick,
McLane,	Gwinn,	Brown—42.

FOR WILLIAM COST JOHNSON.

Ridgely,	Biser,	Cockey,
Shriver,	Annan,	Parke,
Gaither,	Ege,	Shower.—9.

And that no majority appearing no election was had.

The Convention proceeded again to vote, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan,	Sollers,	Sprigg,
Blakistone,	Brent, of Charles,	McCubbin,
Dent,	Merrick,	Bowling,
Hopewell,	Jenifer,	Dirickson,
Ricaud,	Dennis, John	McMaster,
Lee,	Dennis, James U.	Hearn,
Chambers, of Kent,	Crisfield,	Fooks,
Mitchell,	Dashiell,	Jacobs,
Donaldson,	Williams,	Schley,
Dorsey,	Hicks,	Fiery,
Wells,	Hodson,	Neill,
Randall,	Goldsborough,	Newcomer, John
Kent,	Eccleston,	Kilgour,
Weems,	Phelps,	Davis,
Dalrymple,	Bowie,	Waters,
Bond,	Tuck,	Smith—48.

FOR BENJAMIN C. HOWARD.

Sellman,	Spencer,	Stewart, of Balt. city,
Buchanan,	George,	Brent, of Balt. city,
Bell,	Wright,	Sherwood, of Balt.
Welsh,	Thomas,	Presstman,
Chandler,	Sappington,	Ware,
Lloyd,	Stephenson,	Harbine,
Dickinson,	McHenry,	Newcomer, Michael
Sherwood of Talbot,	Magraw,	Brewer,
Colston,	Nelson,	Anderson,
Constable,	Carter,	Weber,
Chambers, of Cecil,	Thawley,	Hollyday,
McCullough,	Stewart, of Caroline,	Slicer,
Miller,	Hardcastle,	Fitzpatrick.
McLane,	Gwinn,	Brown—42.

FOR WILLIAM COST JOHNSON.

Ridgely,	Biser,	Cockey,
Shriver,	Annan,	Parke,
Gaither,	Ege,	Shower.—9.

And that no majority appearing no election was had.

Mr. Stewart, of Caroline, moved that the Convention now adjourn until 12 o'clock to-morrow.

Mr. Brown, of Carroll, moved to amend by striking out "12" and inserting "10½."

And the question being on the amendment of Mr. Brown, of Carroll county, it was

Resolved in the negative.

Mr. Jenifer, of Charles, moved to strike out "12" and insert "11;" which was not agreed to.

And the question recurring on the motion of Mr. Stewart, of Caroline, it was adopted.

And the Convention adjourned until 12 o'clock to-morrow.

THURSDAY, November 7th, 1850.

The Convention re-assembled pursuant to adjournment.

The roll being called by the Secretary, all the Delegates elect were present except Mr. Grason, of Queen Anne's, and Mr. Crisfield, of Somerset.

The minutes of yesterday were read and approved.

Mr. Constable, of Cecil, moved the following resolution:

Resolved, That the Chairman appoint a committee of three to wait on the Reverend Clergy, resident of this City, and request them to make an arrangement among themselves, by which one of their number, alternately every day, will attend this Convention, and open its sessions by prayer.

Mr. Davis, of Montgomery, moved the following as a substitute.

Whereas, It is right and proper, for all deliberative bodies, before proceeding to business, daily to invoke the divine blessing upon their labors;—Therefore,

Be it resolved, That a committee of two be appointed by the Chair, to request the Rev. Mr. _____ to act as Chaplain to this Convention, until a permanent organization can be effected.

The question being on the substitute;

Mr. Jenifer, of Charles, asked a division of the question, and the question being on the first branch of the substitute to wit: the preamble;

It was resolved in the affirmative.

The question recurring on the second branch, to wit: the resolution;

Mr. Davis, obtained leave to withdraw it.

The question recurring on the resolution of Mr. Constable, of Cecil, as amended;

It was agreed to.

The Chair named Messrs. Constable, of Cecil, Morgan, of St. Mary's, and Randall, of Anne Arundel, as the committee.

On motion of Mr. Phelps, of Dorchester,

The Convention resumed the unfinished business of yesterday, to wit: the election of President.

The roll being called by the Secretary, and the vote taken, the Tellers, Messrs. Jenifer, of Charles, and Constable, of Cecil, reported the following result:

FOR JOHN G. CHAPMAN.

Morgan,	Sollers,	McCubbin,
Blakistone,	Brent, of Charles,	Bowling,
Dent,	Merrick,	Dirickson,
Hopewell,	Jenifer,	McMaster,
Ricaud,	Dennis, John	Hearn,
Lee,	Dennis, James U.	Fooks,
Chambers, of Kent,	Dashiell,	Jacobs,
Mitchell,	Williams,	Schley,
Donaldson,	Hicks,	Fiery,
Dorsey,	Hodson,	Neill,
Wells,	Goldsborough,	Newcomer, John
Randall,	Eccleston,	Kilgour,
Kent,	Phelps,	Davis,
Weems,	Bowie,	Waters,
Dalrymple,	Tuck,	Smith—47.
Bond,	Sprigg,	

FOR BENJAMIN C. HOWARD.

Sellman,	Spencer,	Stewart, of Balt. city.
Buchanan,	George,	Brent, " "
Bell,	Wright,	Sherwood, " "
Welsh,	Thomas,	Presstman,
Chandler,	Sappington,	Ware,
Lloyd,	Stephenson,	Harbine,
Dickinson,	McHenry,	Newcomer, Michael,
Sherwood of Talbot,	Magraw,	Brewer,
Colston,	Nelson,	Anderson,
Constable,	Carter,	Weber,
Chambers, of Cecil,	Thawley,	Hollyday,
McCullough	Stewart, of Caroline,	Slicer
Miller	Hardcastle	Fitzpatrick
McLane	Gwinn	Brown—42.

FOR WILLIAM COST JOHNSON.

Ridgely	Biser	Cockey
Shriver	Annan	Parke
Gaither	Ege	Shower—9.

And that no majority appearing no election was had.

The Convention again proceeded to vote, when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Morgan	Sollers	McCubbin
Blakistone	Brent, of Charles,	Bowling
Dent	Merrick	Dirickson
Hopewell	Jenifer	McMaster
Ricaud	Dennis, John	Hearn
Lee	Dennis, James U.	Fooks
Chambers, of Kent,	Dashiell	Jacobs
Mitchell	Williams	Schley
Donaldson	Hicks	Fiery
Dorsey	Hodson	Neill
Wells	Goldsborough	Newcomer, John
Randall	Eccleston	Kilgour
Kent	Phelps	Davis
Weems	Bowie	Waters
Dalrymple	Tuck	Smith—47
Bond	Sprigg	

FOR BENJAMIN C. HOWARD.

Sellman	Spencer	Stewart, of Balt. city,
Buchanan	George	Brent, “ “
Bell	Wright	Sherwood, “ “
Welsh	Thomas	Presstman
Chandler	Sappington	Ware
Lloyd	Stephenson	Harbine
Dickinson	McHenry	Newcomer, Michael
Sherwood, of Talbot,	Magraw	Brewer
Colston	Nelson	Anderson
Constable	Carter	Weber
Chambers, of Cecil,	Thawley	Hollyday
McCullough	Stewart, of Caroline,	Slicer
Miller	Hardcastle	Brown—41.
McLane	Gwinn	

FOR WILLIAM COST JOHNSON.

Ridgely	Biser	Cockey
Shriver	Annan	Parke
Gaither	Ege	Shower—9.

And that no majority appearing no election was had.

The Convention again proceeded to vote, when the Tellers reported the following result.

FOR JOHN G. CHAPMAN.

Morgan	Sollers	McCubbin
Blakistone	Brent, of Charles,	Bowling
Dent	Merrick	Dirickson
Hopewell	Jenifer	McMaster
Ricaud	Dennis, John	Hearn
Lee	Dennis, James U.	Fooks
Chambers, of Kent,	Dashiell	Jacobs
Mitchell	Williams	Schley

Donaldson	Hicks	Fiery
Dorsey	Hodson	Neill
Wells	Goldsborough	Newcomer, John
Randall	Eccleston	Kilgour
Kent	Phelps	Davis
Weems	Bowie	Waters
Dalrymple	Sprigg	Smith—46.
Bond		

FOR BENJAMIN C. HOWARD.

Sellman	Spencer	Stewart of Balt. city,
Buchanan	George	Brent, “ “
Bell	Wright	Sherwood, “ “
Welsh	Thomas	Presstman
Chandler	Sappington	Ware
Lloyd	Stephenson	Harbine
Dickinson	McHenry	Newcomer, Michael
Sherwood, of Talbot,	Magraw	Brewer
Colston	Nelson	Anderson
Constable	Carter	Weber
Chambers, of Cecil,	Thawley	Hollyday
McCullough	Stewart, of Caroline,	Slicer
Miller	Hardcastle	Fitzpatrick
McLane	Gwinn	Brown—42.

FOR WILLIAM COST JOHNSON.

Ridgely	Biser	Cockey
Shriver	Annan	Parke
Gaither	Ege	Shower—9.

And that no majority appearing no election was had.

The Convention proceeded again to vote, when the Tellers reported the following as the result:—

FOR JOHN G. CHAPMAN.

Morgan	Sollers	McCubbin
Blakistone	Brent, of Charles,	Bowling
Dent	Merrick	Dirickson
Hopewell	Jenifer	McMaster
Ricaud	Dennis, John	Hearn
Lee	Dennis, James U.	Fooks
Chambers, of Kent,	Dashiell	Jacobs
Mitchell	Williams	Schley
Donaldson	Hicks	Fiery
Dorsey	Hodson	Neill
Wells	Goldsborough	Newcomer, John
Randall	Eccleston	Kilgour
Kent	Phelps	Davis
Weems	Bowie	Waters
Dalrymple	Sprigg	Smith—46.
Bond		

FOR BENJAMIN C. HOWARD.

Sellman	Spencer	Stewart, of Balt. city
Buchanan	George	Brent, " "
Bell	Wright	Sherwood, " "
Welsh	Thomas	Presstman
Chandler	Sappington	Ware
Ridgely	Stephenson	Harbine
Lloyd	McHenry	Newcomer, Michael
Dickinson	Magraw	Brewer
Sherwood, of Talbot,	Nelson	Anderson
Colston	Carter	Weber
Constable	Thawley	Hollyday
Chambers, of Cecil,	Stewart, of Caroline,	Slicer
McCullough	Hardcastle	Fitzpatrick
Miller	Gwinn	Brown—43.
McLane		

FOR WILLIAM COST JOHNSON.

Shriver	Annan	Parke
Gaither	Ege	Shower—8.
Biser	Cockey	

And that no majority appearing no election was had.

The Convention proceeded again to vote when the Tellers reported the following as the result:

FOR JOHN G. CHAPMAN.

Morgan	Sollers	McCubbin
Blakistone	Brent, of Charles,	Bowling
Dent	Merrick	Diickson
Hopewell	Jenifer	McMcaster
Ricaud	Dennis, John	Hearn
Lee	Dennis, James U.	Fooks
Chambers, of Kent,	Dashiell	Jacobs
Mitchell	Williams	Schley
Donaldson	Hicks	Fieri
Dorsey	Hodson	Neill
Wells	Goldsborough	Newcomer, John
Randall	Eccleston	Kilgour
Kent	Phelps	Davis
Weems	Bowfe	Waters
Dalrymple	Sprigg	Smith—46.
Bond		

FOR BENJAMIN C. HOWARD.

Sellman	Spencer	Stewart, of Balt. city,
Buchanan	George	Brent, " "
Bell	Wright	Sherwood, " "
Welsh	Thomas	Presstman
Chandler	Sappington	Ware
Ridgely	Stephenson	Harbine
Lloyd	McHenry	Newcomer, Michael,
Dickinson	Magraw	Brewer

Sherwood, of Talbot,	Nelson	Anderson
Colston	Carter	Weber
Constable	Thawley	Hollyday
Chambers, of Cecil,	Stewart, of Caroline,	Slicer
McCullough	Hardcastle	Fitzpatrick
Miller	Gwinn	Brown—43
McLane		

FOR WILLIAM COST JOHNSON.

Shriver	Annan	Parke
Gaither	Ege	Shower—8.
Biser	Cockey	

And that no majority appearing no election was had.

Mr. Jenifer, of Charles, moved the following resolution:

Resolved, That when this Convention adjourn, it adjourn *sine die*.

Mr. Chambers, of Kent, moved to lay the resolution on the table.

Mr. Jenifer, of Charles, called the yeas and nays;

And the question being,

“Will the House now direct the yeas and nays to be taken upon the vote upon the motion to lay the resolution on the table?”

It was agreed to.

The question recurred on the motion to lay on the table;

Which was resolved in the affirmative.

The yeas and nays being required, appeared as follows:

AFFIRMATIVE.

Messrs. Blakistone	Dashiell	Carter
Dent	Williams	Thawley
Hopewell	Hodson	Stewart, of Caroline
Ricaud	Eccleston	Hardcastle
Lee	Constable	Gwinn
Chambers, of Kent,	Chambers, of Cecil	Stewart, of Balt.
Mitchell	McCullough	Brent, of Balt. city,
Donaldson	Miller	Sherwood, of Balt.
Dorsey	McLane	Presstman
Wells	Tuck	Ware
Randall	McCubbin	Schley
Kent	Spencer	Fiery
Sellman	George	Neill
Weems	Wright	Newcomer, John
Sollers	Dirickson	Kilgour
Brent, of Charles,	McMaster	Davis
Merrick	Hearn	Waters
Howard	Jacobs	Anderson
Buchanan	Thomas	Weber
Bell	Shriver	Hollyday
Welsh	Johnson	Slicer
Chandler	Gaither	Fitzpatrick
Ridgely	Biser	Smith

Lloyd	Sappington	Ege
Dickinson	Stephenson	Cockey
Sherwood of Talbot	McHenry	Parke
Colston	Magraw	Shower
Dennis, John	Nelson	Brown—\$4.
Dennis, James U.		

NEGATIVE.

Messrs. Morgan	Goldsborough	Fooks
Dalrymple	Phelps	Annan
Bond	Bowie	Harbine
Jenifer	Sprigg	Newcomer, Michael
Hicks	Bowling	Brewer—15

Mr. Ridgely, of Baltimore county, moved that the Convention now adjourn until to-morrow at 12 o'clock.

Mr. Bowie, of Prince George's, called the yeas and nays;

And the question being,

"Will the house now direct the yeas and nays to be taken on the vote upon the motion to adjourn?"

Which was resolved in the negative.

The question recurred on the motion to adjourn;

Which was agreed to.

And the Convention adjourned until to-morrow at 12 o'clock.

FRIDAY, November 8th, 1850.

The Convention re-assembled pursuant to adjournment.

Prayer by the Reverend Alfred Griffith.

The roll being called by the Secretary, all the delegates were present except Mr. Crisfield of Somerset.

The minutes were read and corrected by adding the name of Mr. Davis, of Mon'gomery, in the affirmative on the motion of Mr. Chambers, of Kent, to lay the motion of Mr. Jenifer, to adjourn *sine die*, on the table.

Mr. Brown, of Carroll, moved that an additional Secretary be appointed for the Convention, and that Mr. Ricaud, of Kent, be invited to act as such.

Mr. Merrick, of Charles, moved to amend the motion by authorising the President, pro tem., to appoint two clerks to assist the Secretary and Tellers;

Which was not agreed to.

The question recurred on the motion of Mr. Brown, of Carroll;

Which was agreed to.

Mr. Constable, from the committee appointed under the resolution of yesterday, reported that they had waited upon the Reverend

Clergy of the city, and requested their alternate attendance upon the Convention, for the purpose of opening its session with prayer.

Mr. Blakistone moved that the Convention do now proceed to the election of a President.

Determined in the affirmative.

The Chairman called Mr. Sprigg to the Chair.

Mr. Johnson rose and withdrew his name from nomination as President of the Convention.

The Convention then proceeded to vote for a President, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Brent, of Charles,	Bowling
Blakistone	Merrick	Dirickson
Dent	Jenifer	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Schley
Mitchell	Hicks	Fiery
Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Waters
Weems	Tuck	Smith
Dalrymple	Sprigg	Ege
Bond	McCubbin	Cockey—49.
Sollers		

FOR BENJAMIN C. HOWARD.

Sellman	George	Stewart, of Balt. city,
Buchanan	Wright	Brent, " "
Bell	Thomas	Sherwood, " "
Welsh	Shriver	Presstman
Chandler	Biser	Ware
Ridgely	Annan	Harbine
Lloyd	Sappington	Newcomer, Michael
Dickinson	Stephenson	Brewer
Sherwood, of Talbot,	McHenry	Anderson
Colston	Magraw	Weber
Constable	Nelson	Hollyday
Chambers, of Cecil,	Carter	Slicer
McCullough	Thawley	Fitzpatrick
Miller	Stewart, of Caroline,	Parke
McLane	Hardcastle	Shower
Spencer	Gwinn	Brown—48.

FOR JAMES L. RIDGELY.

Johnson Gaither—2.

And that no majority appearing no election was had.

The Convention proceeded again to vote, when the Tellers reported the following result :

FOR JOHN G. CHAFMAN.

Morgan	Brent, of Charles,	Dirickson
Blakistone	Merrick	McMaster
Dent	Jenifer	Hearn
Hopewell	Dennis, John	Fooks
Ricaud	Dennis, James U.	Jacobs
Lee	Dashiell	Annan
Chambers, of Kent,	Williams	Schley
Mitchell	Hicks	Fiery
Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Waters
Weems	Tuck	Smith
Dalrymple	Sprigg	Ege
Bond	McCubbin	Cockey—50.
Sollers	Bowling	

FOR BENJAMIN C. HOWARD.

Sellman	Grason	Stewart, of Balt. city,
Buchanan	George	Brent, “ “
Bell	Wright	Sherwood, “ “
Welsh	Thomas	Presstman
Chandler	Shriver	Ware
Ridgely	Biser	Harbine
Lloyd	Sappington	Newcomer, Michael
Dickinson	Stephenson	Brewer
Sherwood, of Talbot,	McHenry	Anderson
Colston	Magraw	Weber
Constable	Nelson	Hollyday
Chambers, of Cecil,	Carter	Slicer
McCullough	Thawley	Fitzpatrick
Miller	Stewart, of Caroline,	Parke
McLane	Hardcastle	Shower
Spencer	Gwinn	Brown—48.

FOR JAMES L. RIDGELY.

Johnson Gaither—2.

And that no majority appearing no election was had.

The Convention proceeded again to vote when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Brent, of Charles,	Bowling
Blakistone	Merrick	Dirickson
Dent	Jenifer	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Schley
Mitchell	Hicks	Fiery

Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Waters
Weems	Tuck	Smith
Dalrymple	Sprigg	Ege
Bond	McCubbin	Cockey—49.
Sollers		

FOR BENJAMIN C. HOWARD.

Sellman	George	Stewart, of Balt. city,
Buchanan	Wright	Brent, “ “
Bell	Thomas	Sherwood “ “
Welsh	Shriver	Presstman
Chandler	Biser	Ware
Ridgely	Annan	Harbine
Lloyd	Sappington	Newcomer, Michael
Dickinson	Stephenson	Brewer
Sherwood, of Talbot,	McHenry	Anderson
Colston	Magraw	Weber
Constable	Nelson	Hollyday
Chambers, of Cecil,	Carter	Slicer
McCullough	Thawley	Fitzpatrick
Miller	Stewart, of Caroline,	Parke
McLane	Hardcastle	Shower
Spencer	Gwinn	Brown—49.
Grason		

FOR JAMES L. RIDGELY.

Johnson Gaither—2.

And that no majority appearing no election was had.

The Convention again proceeded to vote, when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Morgan	Brent, of Charles,	Bowling
Blakistone	Merrick	Dirickson
Dent	Jenifer	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Annan
Mitchell	Hicks	Schley
Donaldson	Hodson	Fiery
Dorsey	Goldsborough	Neill
Wells	Eccleston	Newcomer, John
Randall	Phelps	Kilgour
Kent	Bowie	Davis
Weems	Tuck	Waters
Dalrymple	Sprigg	Smith
Bond	McCubbin	Ege—49.
Sollers		

FOR BENJAMIN C. HOWARD.

Sellman	George	Brent, of Balt. city,
Buchanan	Wright	Sherwood, " "
Bell	Thomas	Presstman,
Welsh	Shriver	Ware
Chandler	Biser	Harbine
Ridgely	Sappington	Newcomer, Michael
Lloyd	Stephenson	Brewer
Dickinson	McHenry	Anderson
Sherwood, of Talbot,	Magraw	Weber
Colston	Nelson	Hollyday
Constable	Carter	Slicer
Chambers, of Cecil,	Thawley	Fitzpatrick
McCullough	Stewart, of Caroline,	Parke
Miller	Hardcastle	Shower
McLane	Gwinn	Cockey
Spencer	Stewart, of Balt. city,	Brown—49.
Grason		

FOR JAMES L. RIDGELY.

Johnson Gaither—2.

And that no majority appearing no election was had.

Mr. McMaster, offered the following resolution :

Resolved, That this Convention dispense with the system of voting "*viva voce*," in the election of its presiding officer, and that the Hon. John G. Chapman, of Charles county, be, and he is hereby declared the President of said Convention.

Mr. Stewart, of Caroline, moved to strike out the name of "John G. Chapman," and insert "Benjamin C. Howard."

Mr. Mitchell, moved to lay the resolution and the amendment on the table.

Determined in the affirmative.

Mr. Thomas, moved that the Convention do now adjourn until to-morrow 12 o'clock.

Determined in the negative.

The Convention proceeded again to vote when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Sollers	McCubbin
Blakistone	Brent, of Charles,	Bowlding
Dent	Merrick	Dirickson
Hopewell	Jenifer	McMaster
Ricaud	Dennis, John	Hearn
Lee	Dennis, James U.	Fooks
Chambers, of Kent,	Dashiell	Jacobs
Mitchell	Williams	Schley
Donaldson	Hicks	Fiery
Dorsey	Hodson	Neill
Wells	Goldsborough	Newcomer, John
Randall	Eccleston	Kilgour
Kent	Phelps	Davis

Weems
Dalrymple
Bond

Bowie
Tuck
Sprigg

Waters
Smith
Ege—48.

FOR BENJAMIN C. HOWARD.

Sellman
Buchanan
Bell
Welsh
Chandler
Ridgely
Lloyd
Dickinson
Sherwood, of Talbot,
Colston
Constable
Chambers, of Cecil,
McCullough
Miller
McLane
Spencer

Grason
George
Wright
Thomas
Shriver
Biser
Sappington
Stephenson
McHenry
Magraw
Nelson
Carter
Thawley
Stewart, of Caroline,
Hardcastle
Gwinn

Stewart, of Balt. city,
Brent, of Balt. city,
Sherwood, " "
Presstman
Ware
Harbine
Newcomer, Michael
Brewer
Anderson
Weber
Hollyday
Slicer
Fitzpatrick
Parke
Shower
Brown—48.

FOR JAMES L. RIDGELY.

Johnson
Gaither

Annan

Cockey—4.

And that no majority appearing no election was had.

On motion of Mr. Thomas,

The Convention adjourned until to-morrow 12 o'clock.

SATURDAY, November 9th, 1850.

The Convention re-assembled pursuant to adjournment.

Prayer by the Rev. Mr. Graff.

All the members present as yesterday.

The minutes of yesterday were read and approved.

Mr. Ridgely withdrew his name as a candidate for the office of President.

Mr. Ridgely moved that the Convention now proceed to the election of a President.

Determined in the affirmative.

The chairman called Mr. Sprigg to the chair.

The Convention then proceeded to vote for a President, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Sollers	Bowling
Blakistone	Merrick	Dirickson
Dent	Jenifer	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Schley
Mitchell	Hicks	Fiery
Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Waters
Weems	Tuck	Smith
Dalrymple	Sprigg	Ege
Bond	McCubbin	Cockey—48.

FOR BENJAMIN C. HOWARD.

Sellman	George	Stewart, of Balt. city,
Buchanan	Wright	Sherwood, “ “
Bell	Thomas	Presstman
Welsh	Shriver	Waie
Chandler	Biser	Harbine
Ridgely	Annan	Newcomer, Michael
Lloyd	Sappington	Brewer
Dickinson	Stephenson	Anderson
Sherwood, of Talbot,	McHenry	Weber
Colston	Magraw	Hollyday
Constable	Nelson	Slicer
Chambers, of Cecil,	Carter	Fitzpatrick
Miller	Thawley	Parke
McLane	Stewart, of Caroline,	Shower
Spencer	Hardcastle	Brown—47.
Grason	Gwinn	

FOR JAMES L. RIDGELY.

Johnson Gaither—2.

FOR WILLIAM GRASON.

Howard—1.

And that no majority appearing no election was had.

The Convention again proceeded to vote for a President when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Morgan	Sollers	Bowling
Blakistone	Merrick	Dirickson
Dent	Jenifer	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Schley

Mitchell	Jicks	Fiery
Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Waters
Weems	Tuck	Smith
Dalrymple	Sprigg	Ege
Bond	McCubbin	Cockey—48.

FOR BENJAMIN C. HOWARD.

Sellman	George	Stewart, of Balt. city
Buchanan	Wright	Sherwood, “ “
Bell	Thomas	Presstman
Welsh	Shriver	Ware
Chandler	Biser	Harbine
Ridgely	Annan	Newcomer, Michael
Lloyd	Sappington	Brewer
Dickinson	Stephenson	Anderson
Sherwood, of Talbot,	McHenry	Weber
Colston	Magraw	Hollyday
Constable	Nelson	Slicer
Chambers, of Cecil,	Carter	Fitzpatrick
Miller	Thawley	Parke
McLane	Stewart, of Caroline,	Shower
Spencer	Hardcastle	Brown—47.
Grason	Gwinn	

FOR JAMES L. RIDGELY.

Johnson Gaither—2.

FOR WILLIAM GRASON.

Howard—1.

And that no majority appearing no election was had.

Mr. Jenifer offered the following resolution:

Whereas, the General Assembly of Maryland, at December Session 1849, passed an act “to provide for the taking the sense of the people upon the expediency of calling a Convention to frame a new Constitution and Form of Government for the State, and to provide for the election of Delegates to such Convention;”

And whereas, the Delegates present, elected in pursuance of that law, assembled here on Monday the 4th November, inst., and after six days endeavoring to organise, having voted sixteen times for a President to preside over the deliberations of the Convention, have not been able to agree, and there appearing to be as little prospect of an election as at the commencement of Session ;

Therefore, in order to afford an opportunity to the voters of the State to elect Delegates who may be more disposed to harmonise in obeying the injunctions of the law, and of carrying out the expressed will of the people,

Resolved unanimously, that each delegate resign his seat as delegate, or that this House adjourn *sine die*.

On motion of Mr. Jenifer,
 The preamble and resolution was laid on the table.
 Mr. Stewart, of Baltimore city, moved that the Convention do
 now take a recess until half past three o'clock, P. M.
 Determined in the affirmative.
 Whereupon the Convention took a recess until 3½ o'clock.

3½ O'CLOCK, P. M.

The Convention re-assembled.
 Mr. Spencer moved to take a recess until six o'clock.
 Mr. Donaldson moved to adjourn until 12 o'clock Monday.
 Mr. Phelps moved to take a recess until 7 o'clock.
 The vote was taken on the motion of Mr. Donaldson, and
 Determined in the negative.
 The vote was taken on the motion of Mr. Phelps, and
 Determined in the negative.
 The vote recurred on the motion of Mr. Spencer, and
 Determined in the affirmative.
 Whereupon the Convention took a recess until 6 o'clock, P. M.

6 O'CLOCK, P. M.

The Convention re-assembled.
 On motion of Mr. Morgan,
 The Convention adjourned to Monday, 12 o'clock.

MONDAY, November 11th, 1850.

The Convention re-assembled pursuant to adjournment.
 Prayer by the Rev. Mr. Griffith.
 All the members present as on Saturday.
 The minutes of Saturday were read and approved.
 Mr. Sollers moved that the Convention do now proceed to elect
 a President by ballot.
 Mr. Jenifer offered the following resolution as a substitute for
 the motion of Mr. Sollers:
 Resolved, That the names of John G. Chapman and Benjamin
 C. Howard be withdrawn, and that the House proceed to the
 election of a President without nomination, and without regard to
 political parties.

Mr. Sollers withdrew his motion to proceed to the election of a President by ballot, and offered the following resolution as a substitute for the resolution of Mr. Jenifer :

Resolved, That a committee of six, composed of three Whigs and three Democrats, be appointed by the Chair, for the purpose of considering and reporting to this body some plan for the organization of the Convention.

Mr. Tuck moved to lay both the resolutions on the table.

Mr. Kilgour moved that the vote on the motion to lay on the table be taken by yeas and nays;

Determined in the negative.

The vote recurring on the motion to lay on the table was

Determined in the affirmative.

Mr. Buchanan moved that the House proceed to vote for a President.

Mr. Sollers moved as a substitute, that the House proceed to ballot for a President.

Mr. Brown offered the following resolution :

Resolved, That the rules of the last House of Delegates, except the rule to elect officers by ballot, be adopted as the rules of this Convention until otherwise ordered.

Mr. Constable moved to lay the motion of Mr. Buchanan, and the substitute of Mr. Sollers, and the order of Mr. Brown on the table;

Determined in the affirmative.

Mr. Constable moved that the Convention do now proceed to vote for a President;

Determined in the affirmative.

The Convention proceeded to vote for a President, when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Morgan	Bond	McCubbin
Blakistone	Sollers	Dirickson
Dent	Brent, of Charles,	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Schley
Mitchell	Hicks	Fiery
Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Smith
Weems	Tuck	Cockey—44
Dalrymple	Sprigg	

FOR BENJAMIN C. HOWARD.

Sellman	McLane	Brent, of Balt. city
Buchanan	Grason	Sherwood, " "
Bell	George	Presstman
Welsh	Wright	Ware
Chandler	Shriver	Newcomer, Michael
Ridgely	Biser	Anderson
Lloyd	Annan	Weber
Dickinson	McHenry	Hollyday
Sherwood, of Talbot,	Carter	Slicer
Colston	Thawley	Fitzpatrick
Constable	Stewart, of Caroline,	Parke
Chambers, of Cecil,	Gwinn	Shower
Miller	Stewart, of Balt. city,	Brown—39.

FOR WILLIAM COST JOHNSON.

Sappington	Magraw	Hardcastle
Stephenson	Nelson	Ege—6

FOR JAMES L. RIDGELY.—Johnson, Gaither, Harbine—3.

FOR LOUIS McLANE.—Jenifer—1.

FOR WILLIAM GRASON.—Howard—1.

And that no majority appearing no election was had.

Mr. Sollers, moved that the Convention do now proceed to elect a President by ballot.

Mr. Constable, moved to lay the motion on the table.

Determined in the affirmative.

The Convention again proceeded to vote for a President, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan,	Bond,	McCubbin,
Blakistone,	Sollers,	Dirickson,
Dent,	Brent, of Charles,	McMaster,
Hopewell,	Dennis, John	Hearn,
Ricaud,	Dennis, James U.	Fooks,
Lee,	Dashiell,	Jacobs,
Chambers, of Kent,	Williams,	Schley,
Mitchell,	Hicks,	Fiery,
Donaldson,	Hodson,	Neill,
Dorsey,	Goldsborough,	Newcomer, John
Wells,	Eccleston,	Kilgour,
Randall,	Phelps,	Davis,
Kent,	Bowie,	Smith
Weems,	Tuck,	Cockey—48.
Dalrymple,	Sprigg,	

FOR BENJAMIN C. HOWARD.

Sellman,	Miller,	Gwinn,
Buchanan,	McLane,	Stewart, of Balt. city,
Bell,	Grason	Sherwood, of Balt.
Welsh,	George,	Presstman,

Chandler,	Wright,	Ware,
Ridgely,	Shriver,	Newcomer, Michael
Lloyd,	Biser,	Anderson,
Dickinson,	McHenry,	Hollyday,
Sherwood of Talbot,	Carter,	Slicer,
Colston,	Thawley,	Parke,
Constable,	Stewart, of Caroline,	Shower
Chambers, of Cecil,	Hardcastle,	Brown—36.

FOR WILLIAM COST JOHNSON.

Annan,	Stephenson,	Nelson,
Sappington,	Magraw,	Ege—6

FOR JAMES L. RIDGELY.

Johnson	Harbine,	Fitzpatrick—5.
Gaither,	Weber,	

FOR WILLIAM GRASON.—Howard, Brent, of Balt. city—2.

FOR LOUIS McLANE.—Jenifer—1.

And that no majority appearing no election was had.

Mr. Sollers, moved that the order requiring the election of a President by *viva voce* vote be rescinded.

Mr. Constable, moved to lay the motion on the table.

Determined in the affirmative.

The Convention proceeded to vote for a President, when the Tellers reported the following result:

FOR JOHN G. GHAPMAN.

Morgan	Bond	McCubbin
Blakistone	Sollers	Dirickson
Dent	Brent, of Charles,	McMaster
Hopewell	Dennis, John	Hearn
Ricaud	Dennis, James U.	Fooks
Lee	Dashiell	Jacobs
Chambers, of Kent,	Williams	Schley
Mitchell	Hicks	Fiery
Donaldson	Hodson	Neill
Dorsey	Goldsborough	Newcomer, John
Wells	Eccleston	Kilgour
Randall	Phelps	Davis
Kent	Bowie	Smith
Weems	Tuck	Cockey—44.
Dalrymple	Sprigg	

FOR BENJAMIN C. HOWARD.

Sellman	George	Sherwood, of Balt. city
Lloyd	Wright	Presstman
Dickinson	Shriver	Ware
Sherwood, of Talbot,	Biser	Newcomer, Michael
Colston	Carter	Anderson
Constable	Thawley	Hollyday
Chambers, of Cecil,	Stewart, of Caroline,	Parke
Miller	Gwinn	Shower
McLane	Stewart, of Balt. city,	Brown—28.
Grason		

FOR WILLIAM GRASON.

Howard	Welsh	Stephenson
Buchanan	Chandler	Hardcastle
Bell	Sappington	Brent, of Balt.—9.

FOR JAMES L. RIDGELY.

Johnson	Harbine	Slicer
Gaither	Weber	Fitzpatrick—6.

FOR WILLIAM COST JOHNSON.

Ridgely	Magraw	Ege—5.
Annan	Nelson	

FOR LOUIS McLANE.—Jenifer, McHenry—2.

And that no majority appearing no election was had.

Mr. Sollers, offered the following order :

Ordered, That the Chair appoint a committee of six, consisting of three whigs and three democrats, who shall report some plan for the organization of the Convention.

Mr. Morgan, moved to lay it on the table.

Mr. Dorsey, raised the question of order whether it was competent for the gentleman from Calvert to renew his motion, after the House had determined to lay it on the table, before the House should reconsider its vote laying it on the table.

The Chair decided the resolution offered by the gentleman from Calvert to be out of order.

Mr. Bowie offered the following resolution:

Resolved, That the order adopted by this Convention to proceed to the election of a President, *viva voce*, be rescinded.

Mr. Constable moved to lay the resolution on the table;

Determined in the affirmative.

Mr. Brown moved that the House adjourn until to-morrow at 12 o'clock.

Mr. Jenifer moved that the question be taken by yeas and nays;

Determined in the negative.

The vote recurring on the motion to adjourn, it was

Determined in the negative.

Mr. Ricand offered the following order:

Ordered, That no motion shall be in order except a motion to proceed to vote *viva voce* for President, until a President shall be elected, except a motion to adjourn, and a motion to reconsider the vote of the House, ordering the election of President by *viva voce* vote, which motion shall be decided without debate.

Mr. Davis, moved that the House adjourn until to-morrow 10 o'clock.

Mr. Jenifer, moved that the question be taken by yeas and nays.

Mr. Morgan, moved to insert 12 o'clock.

The House refused to order the yeas and nays.

The vote recurring on the amendment, it was

Determined in the negative.

The vote then recurred on the original motion, to wit : to adjourn to to-morrow 10 o'clock, which was

Determined in the negative.

Mr. Sellman, offered the following as a substitute for the order of Mr. Bowie :

Resolved, That this Convention suspend voting for a permanent presiding officer, and that it proceed at once to select by ballot the following committees, viz :

A committee on Elections and Privileges, to consist of nine members, including its chairman.

A committee on the Judicial Department of Government, to consist of eleven members, including its chairman.

A committee on the Legislative Department of Government, to consist of eleven members, including its chairman.

A committee on the Executive Department of the Government, to consist of eleven members, including its chairman.

And be it further resolved, That each committee thus selected, have the exclusive power of appointing its own chairman.

Mr. Sollers, offered the following as a substitute for the same:

Resolved, that a committee of twenty-one be appointed by the Chairman, to take into consideration the mode of taking up and proceeding in the business of the Convention.

Mr. Morgan, moved that the House take a recess until four o'clock.

Determined in the negative.

Mr. McHenry moved that the House take a recess until 5 o'clock.

Determined in the negative.

Mr. Dorsey, moved that the House adjourn until to-morrow 12 o'clock.

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow 12 o'clock.

TUESDAY, November 12th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The minutes of yesterday were read and approved.

Mr. Ricaud, withdrew the name of John G. Chapman, as President of the Convention.

Mr. Howard, withdrew his name from nomination as President of the Convention.

Mr. Jenifer, offered the following resolution:

Resolved, That the House now proceed to the election of a

President, viva voce, and that the Chair entertain no debate or a motion to adjourn, until a President is elected.

Mr. Jenifer, moved that the vote on his resolution when taken, be by yeas and nays.

Mr. Sollers, moved to strike out the words "viva voce," and insert "by ballot."

Determined in the negative.

Mr. Brown, called for a division of the question.

The vote being on the first branch of the proposition, to wit: that this Convention now proceed to elect a President viva voce; Which was determined in the affirmative.

The question recurring on the second branch of the resolution, to wit: and that the Chair entertain no debate or a motion to adjourn until a President is elected;

Mr. Phelps, moved to strike out the words "or a motion to adjourn," which was accepted.

The question recurring on the proposition as amended, was

Determined in the affirmative.

Mr. Sollers, nominated William Grason, as President of the Convention.

Mr. Grason, withdrew his name as President of the Convention.

The Convention proceeded to vote for a President, when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Blakistone	Brent, of Charles,	Bowie
Lee	Dennis, John	Tuck
Chambers, of Kent,	Dennis, James U.	Sprigg
Donaldson	Dashiell	Bowling
Dorsey	Williams	Hearn
Wells	Hicks	Fooks
Randall	Hodson	Schley
Kent	Goldsborough	Neill
Dalrymple	Eccleston	Kilgour—27.

FOR LOUIS McLANE.

Sellman	McCullough	Presstman
Jenifer	Grason	Ware
Lloyd	McHenry	Newcomer, Michael
Dickinson	Stewart, of Caroline,	Anderson
Sherwood, of Talbot,	Gwinn	Hollyday
Constable	Stewart, of Balt. city,	Shower
Chambers, of Cecil,	Brent, of Balt. city,	Brown—22.
Miller		

FOR WILLIAM COST JOHNSON.

Ridgely	Sappington	Fiery
Shriver	Stephenson	Slicer
Gaither	Magraw	Ege
Biser	Nelson	Cockey—14.
Annan	Thawley	

FOR WILLIAM GRASON.

Sollers	Phelps	George
Howard	McLane	Wright—8.
Colston	Spencer	

FOR JAMES L. RIDGELY.—Johnson, Harbine, Weber, Fitzpatrick—4.

FOR JAMES M. BUCHANAN.—Bell, Welsh, Chandler, Parke—4.

FOR GEORGE SCHLEY.—Dent, Newcomer, John; Smith—3.

FOR THOMAS F. BOWIE.—Morgan, Ricaud—2.

FOR WILLIAM H. TUCK.—Hopewell, Jacobs—2.

FOR JAMES B. RICAUD.—Bond—1.

FOR ALEXANDER RANDALL.—Mitchell—1.

FOR ALBERT CONSTABLE.—Buchanan—1.

FOR SAMUEL SPRIGG.—McCubbin—1.

FOR THOMAS B. DORSEY.—McMaster—1.

FOR THOS. H. HICKS.—Dirickson—1.

FOR A. R. SOLLERS.—Weems—1.

FOR W. A. SPENCER.—Hardcastle—1.

FOR WILLIAM WILLIAMS.—Chapman—1.

FOR DAVID STEWART.—Sherwood, of Bal. city,—1.

And that no majority appearing no election was had.

Mr. Brent, of Baltimore city, offered the following resolutions:

Resolved, That if a President shall not be elected at or before the fourth count of votes hereafter made, then the fifth count shall be confined to the two highest candidates, as they may appear on said fourth count, and in making the fifth count, no votes shall be counted except those which may be cast for one of said two highest candidates.

Resolved, That the candidate having the majority of votes as received and counted on the fifth count of votes, be and he is hereby declared to be President of this Convention.

Resolved, That the resolution heretofore passed, requiring a majority of all the votes cast for the election of a President, be and the same is hereby rescinded, so far as the same is inconsistent with these resolutions.

Mr. Gwinn, offered the following resolution as a substitute:

Resolved, That after the next ballot, all the persons save the four who shall receive the largest number of votes, shall be dropped, and no vote shall be counted which is not cast for some one of the said four persons so voted for; and that after the second vote, the name of the person receiving the lowest number of votes shall be also dropped, and no vote shall be counted other than those given for the three persons then before the Convention; and that after the third vote, the name of the person who shall receive the lowest number of votes in the said preceding vote, shall be also dropped and no vote shall be hereafter counted which is not cast for one or the other of the two persons then remaining before the Convention; and that on the fourth vote, that one of the said two persons who shall receive the highest number of the votes so cast shall be declared the choice of this Convention.

Mr. Chambers, of Kent, moved that the original resolutions and the substitute be laid on the table.

Determined in the affirmative.

Mr. McLane, withdrew his name as a candidate for the office of President.

The Convention again proceeded to vote for a President, when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Ricaud	Dalrymple	Phelps
Lee	Brent, of Charles,	Bowie
Chambers, of Kent,	Dennis, John	Tuck
Mitchell	Dennis, James U.	Sprigg
Donaldson	Dashiell	Bowling
Dorsey	Williams	Dirickson
Wells	Hicks	McMaster
Randall	Hodson	Hearn
Kent	Goldsborough	Fooks
Weems	Eccleston	Kilgour—30.

FOR WILLIAM COST JOHNSON.

Sollers	Biser	Fiery
Ridgely	Annan	Newcomer, John
McCullough	Sappington	Harbine
Spencer	Stephenson	Weber
Grason	Magraw	Slicer
George	Nelson	Smith
Wright	Thawley	Ege
Shriver	Hardcastle	Cockey
Gaither	Brent, of Balt. city,	Parke—27.

FOR WILLIAM GRASON.

Howard	Miller	Anderson—5.
Chambers, of Cecil,	McLane	

FOR JAMES M. BUCHANAN.

Bell	Chandler	Shower—5.
Welsh	Neill	

FOR WILLIAM A. SPENCER.

Lloyd	Sherwood, of Talbot, Stewart, of Balt.—5.
Dickinson	Gwinn

FOR WILLIAM J. BLAKISTONE.—Morgan, Hopewell, Jacobs—3.

FOR LOUIS McLANE.—Jenifer, Newcomer, Michael; Hollyday—3.

FOR DAVID STEWART.—Sellman, Sherwood, of Baltimore city, Brown—3.

FOR EDWARD LLOYD.—Constable, Stewart, of Caroline, Presstman—3.

FOR GEORGE SCHLEY.—Blakistone, Dent—2.

FOR JAMES L. RIDGELY.—Colston, Johnson—2.

FOR ALBERT CONSTABLE.—Buchanan, Ware—2.

FOR JAMES B. RICAUD.—Bond—1.

FOR WILLIAM WILLIAMS.—Chapman—1.

FOR SAMUEL P. SMITH.—Schley—1.

FOR SAMUEL SPRIGG.—McCubbin—1.

FOR BENJAMIN C. HOWARD.—McHenry—1.

And that no majority appearing no election was had.

The Convention again proceeded to vote for a President, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Weems	Phelps
Blakistone	Dalrymple	Bowie
Dent	Bond	Tuck
Hopewell	Sollers	Sprigg
Ricaud	Brent, of Charles,	McCubbin
Lee	Dennis, John	Bowling
Chambers, of Kent,	Dennis, James U.	Dirickson
Mitchell	Dashiell	McMaster
Donaldson	Williams	Hearn
Dorsey	Hicks	Fooks
Wells	Hodson	Jacobs
Randall	Goldsborough	Kilgour—38.
Kent	Eccleston	

FOR WILLIAM COST JOHNSON.

Buchanan	Shriver	Fiery
Bell	Gaither	Newcomer, John
Welsh	Biser	Harbine
Chandler	Annan	Newcomer, Michael
Ridgely	Sappington	Weber
Sherwood, of Talbot,	Stephenson	Slicer
McCullough	Magraw	Smith
Miller	Nelson	Ege
Spencer	Thawley	Cockey
Grason	Hardcastle	Parke
George	Brent, of Balt. city,	Shower—35.
Wright	Schley	

FOR EDWARD LLOYD.

McHenry	Sherwood, of Balt. city,	Ware
Gwinn	Presstman	Brown—7.
Stewart, of Balt. city,		

FOR JAMES L. RIDGELY.

Dickinson	Johnson	Anderson—5.
Colston	Stewart, of Caroline,	

FOR WILLIAM GRASON.—Howard, Chambers, of Cecil, Mc-Lane—3.

FOR LOUIS McLANE.—Jenifer, Hollyday—2.

FOR WILLIAM A. SPENCER.—Lloyd, Fitzpatrick.—2.

FOR ROBERT J. BRENT.—Constable—1.

FOR JAMES M. BUCHANAN.—Neill—1.

FOR WILLIAM WILLIAMS.—Chapman—1.

FOR ELIAS BROWN.—Sellman—1.

And that no majority appearing no election was had.

Mr. Ridgely offered the following resolution:

Resolved, That after the next ballot, all the names be dropped except the two highest, and the person receiving the highest number of votes on the first ballot thereafter taken be, declared President.

Mr. Brent, of Baltimore city, offered the following as a substitute:

Resolved, That in each count after the first ensuing count, the lowest candidate in the preceding count be dropped, and no vote be received in any succeeding count for such lowest candidate.

Mr. Magraw moved to lay both the resolution and substitute on the table;

Determined in the affirmative.

The Convention again proceeded to vote for a President when the Tellers reported the following result:

FOR JOHN G. CHAPMAN.

Morgan	Dalrymple	Bowie
Blakistone	Bond	Tuck
Dent	Sollers	Sprigg
Hopewell	Brent, of Charles,	McCubbin
Ricaud	Dennis, John	Bowling
Lee	Dennis, James U.	Dirickson
Chambers, of Kent,	Dashiell	McMaster
Mitchell	Williams	Hearn
Donaldson	Hicks	Fooks
Dorsey	Hodson	Jacobs
Wells	Goldsborough	Schley
Randall	Eccleston	Neill
Kent	Phelps	Kilgour—40.
Weems		

FOR WILLIAM COST JOHNSON.

Buchanan	Shriver	Ware
Bell	Gaither	Fiery
Welsh	Biser	Newcomer, John
Chandler	Annan	Harbine
Ridgely	Sappington	Newcomer, Michael,
Sherwood, of Talbot,	Stephenson	Weber
Chambers, of Cecil,	Magraw	Slicer
McCullough	Nelson	Smith
Spencer	Thawley	Ege
Grason	Hardcastle	Cockey
George	Brent, of Balt. city,	Parke
Wright	Sherwood, " "	Shower—36.

FOR EDWARD LLOYD.

Sellman	Miller	Anderson
Howard	McHenry	Brown—8.
Dickinson	Presstman	

FOR BENJAMIN C. PRESSTMAN.—Constable, Gwinn, Stewart, of Balt.—3.

FOR LOUIS McLANE.—Jenifer, Hollyday—2.

FOR JAMES L. RIDGELY.—Colston, Johnson—2.

FOR WILLIAM GRASON.—Lloyd, McLane—2.

FOR WILLIAM A. SPENCER.—Stewart, of Caroline, Fitzpatrick—2.

And that no majority appearing no election was had.

Mr. Weems offered the following resolution:

Resolved, That the order adopted by this House, to elect the President viva voce, is hereby rescinded, and that the House now proceed to elect by ballot.

Mr. McHenry moved to lay it on the table;

Determined in the affirmative.

Mr. Spencer moved to take up for consideration the resolution offered by Mr. Brent, of Baltimore city, and the substitute offered by Mr. Gwinn;

Determined in the affirmative.

Mr. Chambers, of Kent, offered the following amendment:

“Resolved, That the person for whom the largest number of votes shall be cast on the next vote shall be declared duly elected President of this convention.”

Mr. Phelps moved that the question on the amendment be taken by yeas and nays.

Determined in the affirmative.

The question being on the amendment, the vote was as follows :

AFFIRMATIVE.

Messrs. Morgan	Sollers	McCubbin
Blakistone	Brent, of Charles,	Bowling
Dent	Jenifer	Dirickson
Hopewell	Dennis, John	McMaster
Ricaud	Dennis, James U.	Hearn
Lee	Dashiell	Fooks
Chambers, of Kent,	Williams	Jacobs
Mitchell	Hicks	Schley
Donaldson	Hodson	Fiery
Dorsey	Goldsborough	Neill
Wells	Eccleston	Newcomer, John
Randall	Phelps	Kilgour
Kent	Bowie	Weber
Weems	Tuck	Slicer
Dalrymple	Sprigg	Smith—46
Bond		

NEGATIVE.

Messrs. Sellman	Spencer	Gwinn
Howard	Grason	Stewart, of Balt.
Buchanan	George	Brent, of Balt. city,
Bell	Wright	Sherwood, of Balt.
Welsh	Shriver	Presstman
Chandler	Gaither	Ware
Ridgely	Biser	Haibine

Lloyd	Annan	Newcomer, Michael
Dickinson	Sappington	Anderson
Sherwood of Talbot	Stephenson	Hollyday
Colston	McHenry	Fitzpatrick
Constable	Magraw	Ege
Chambers, of Cecil	Nelson	Cockey
McCullough	Thawley	Parke
Miller	Stewart, of Caroline	Shower
McLane	Hardcastle	Brown—48.

Mr. Brent, of Baltimore city, offered the following amendment to the substitute :

Strike out all after the word “resolved” and insert “that the candidate having the largest number of votes on the second count hereafter, be declared President of this Convention;”

Determined in the affirmative.

Mr. Tuck moved to amend the resolution by adding “unless the President be elected on the first vote;”

Determined in the affirmative.

The question being on the passage of the resolution as amended,

Mr. Brown, moved that the question be taken by yeas and nays;

And the House refused to order the yeas and nays.

The resolution was then adopted.

Mr. Constable, moved that the House do now adjourn ;

Mr. Harbine, moved that the question be taken by yeas and nays ;

Determined in the negative.

The question being on the adjournment ;

Determined in the negative.

The Convention again proceeded to vote for a President, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Bond	Sprigg
Blakistone	Sollers	McCubbin
Dent	Brent, of Charles,	Bowling
Hopewell	Dennis, John	Dirickson
Ricaud	Dennis, James U.	McMaster
Lee	Dashiell	Hearn
Chambers, of Kent,	Williams	Fooks
Mitchell	Hicks	Jacobs
Donaldson	Hodson	Schley
Dorsey	Goldsborough	Fiery
Wells	Eccleston	Neill
Randall	Phelps	Newcomer, John
Kent	Bowie	Kilgour
Weems	Tuck	Smith—43.
Dalrymple		

FOR WILLIAM COST JOHNSON.

Buchanan	Wright	Sherwood, of Balt. city
Bell	Shriver	Pressman
Welsh	Gaither	Ware
Chandler	Biser	Harbine
Ridgely	Annan	Newcomer, Michael,
Sherwood, of Talbot,	Sappington	Anderson
Chambers, of Cecil,	Stephenson	Weber
McCullough	Magraw	Slicer
Miller	Nelson	Ege
Spencer	Thawley	Cockey
Grason	Hardcastle	Parke
George	Brent, of Balt. city,	Shower—36.

FOR EDWARD LLOYD.

Sellman	McHenry	Stewart, of Balt. city,
Howard	Stewart, of Caroline,	Fitzpatrick
Constable	Gwinn	Brown—10.
McLane		

FOR BENJAMIN C. HOWARD.—Lloyd, Dickinson, Colston—3.

FOR LOUIS McLANE.—Jenifer, Hollyday—2.

And no majority appearing, no election was had.

Mr. McHenry, moved that the Convention now adjourn;

Mr. Brent, of Baltimore city, moved the question to be taken by yeas and nays;

Determined in the negative.

The question on the motion to adjourn, was

Determined in the negative.

The Convention again proceeded to vote for a President, when the Tellers reported the following result :

FOR JOHN G. CHAPMAN.

Morgan	Bond	Tuck
Blakistone	Sollers	Sprigg
Dent	Brent, of Charles,	McCubbin
Hopewell	Jenifer	Bowling
Ricaud	Lloyd	Dirickson
Lee	Dennis, John	McMaster
Chambers, of Kent,	Dennis, James U.	Hearn
Mitchell	Dashiell	Fooks
Donaldson	Williams	Jacobs
Dorsey	Hicks	Schley
Wells	Hodson	Fiery
Randall	Goldsborongh	Neill
Kent	Eccleston	Newcomer, John
Weems	Phelps	Kilgour
Dalrymple	Bowie	Smith—45.

FOR WILLIAM COST JOHNSON.

Buchanan	Wright	Brent, of Balt. city,
Bell	Shriver	Sherwood, “ “

Welsh	Gaither	Presstman
Chandler	Biser	Ware
Ridgely	Annan	Harbine
Dickinson	Sappington	Newcomer, Michael
Sherwood, of Talbot,	Stephenson	Anderson
Constable	McHenry	Weber
Chambers, of Cecil,	Magraw	Slicer
McCullough	Nelson	Fitzpatrick
Miller	Thawley	Ege
McLane	Stewart, of Caroline,	Cockey
Spencer	Hardcastle	Parke
Grason	Gwinn	Shower—43.
George		

FOR EDWARD LLOYD.—Sellman, Howard, Colston, Stewart, of Balt. city, Brown—5.

FOR LOUIS McLANE.—Hollyday—1.

Mr. Chambers, of Kent, offered the following resolution :

Resolved, That John G. Chapman having received a larger number of the votes cast than any other person voted for, is duly elected, and is hereby declared to be President of this Convention.

Determined unanimously in the affirmative.

Whereupon, John G. Chapman was declared duly elected, and was conducted to the Chair by Mr. Johnson and Mr. Blakistone.

On motion of Mr. Bowie,

The Convention adjourned until to-morrow, at 12 o'clock.

WEDNESDAY, November 13th, 1850.

The Convention met pursuant to adjournment.

Present the same members as yesterday.

Prayer by the Rev. Mr. Griffith.

The minutes of yesterday were read and approved.

Mr. Phelps, offered the following resolution :

Resolved, That a committee of seven members be appointed by the President to prepare and report rules for the government of the convention, and that, in the meantime, the rules of the House of Delegates, so far as the same are applicable, except the rule for the previous question, and that two-thirds should be required to alter any rule, be adopted ;

Determined in the affirmative.

Mr. Jenifer, offered the following resolution :

Resolved, That a committee of _____ be appointed to enquire and report what method will be most expedient in bringing before the convention, amendments to the constitution of the State.

Mr. Bowie, moved to lay it on the table ;
Determined in the affirmative.

Mr. Bowie, offered the following order :

Ordered, That George G. Brewer be appointed Secretary, and Washington B. Chichester, Assistant Secretary, to this Convention ; that Richard Booth be appointed Sergeant-at-Arms, and William Hall, Stewart C. Herbert, Samuel I. Lambden and Samuel Peacock, door-keepers ; that Joseph Moritz, Caleb D. Owings, John W. Rider, George S. King, George W. Dowell and Robert D. Lecompte, be appointed committee clerks.

Mr. Buchanan, offered the following as a substitute :

“Resolved, That this convention proceed to complete its organization, by electing viva voce a Clerk, and Assistant Clerk, a Sergeant-at-Arms, and a Door-keeper.

Mr. Morgan, asked for the yeas and nays, and on taking them, they appeared as follows :

AFFIRMATIVE.

Messrs. Sellman	Grason	Presstman
Jenifer	George	Ware
Howard	Wright	Fiery
Buchanan	Shriver	Newcomer, John
Bell	Gaither	Harbine
Welsh	Biser	Newcomer, Michael
Chandler	Sappington	Anderson
Ridgely	Stephenson	Weber
Lloyd	McHenry	Hollyday
Dickinson	Magraw	Slicer
Sherwood, of Talbot,	Nelson	Fitzpatrick
Colston	Thawley	Ege
Constable	Stewart, of Caroline,	Cockey
Chambers, of Cecil,	Gwinn	Parke
Miller	Stewart, of Balt. city,	Shower
McLane	Brent, “ “	Brown—50.
Spencer	Sherwood, “ “	

NEGATIVE.

Messrs.	Weems	Tuck
Chapman, Pres't.	Dalrymple	Sprigg
Morgan	Bond	McCubbin
Blakistone	Brent, of Charles,	Bowling
Dent	Dennis, John	Dirickson
Hopewell	Dennis, James U.	McMaster
Ricaud	Dashiell	Hearn
Lee	Williams	Fooks
Chambers, of Kent,	Hicks	Jacobs
Donaldson	Hodson	Annan
Dorsey	Goldsborough	Schley
Wells	Eccleston	Neill
Randall	Phelps	Kilgour
Kent	Bowie	Smith—41.

Determined in the affirmative ;

The substitute was adopted.

Mr. Bowie, moved to amend by striking out after the word "resolved" and insert—

"That George G. Brewer be appointed Secretary, and Washington B. Chichester, Assistant Secretary to this Convention."

Mr. Brown, rose to the following point of order:

"If the proposition of the gentleman of Prince George's, be considered as an amendment, and I deny that it is, it is out of order, because it covers no more matter than the substitute offered by the gentleman from Baltimore county, which has been adopted by the Convention, there being no more matter to cover, and which substitute could only be reached by a motion to reconsider."

The Chair overruled the point of order.

On motion of Mr. Stewart, of Baltimore city,

The question was then taken by yeas and nays, upon the amendment offered Mr. Bowie, which were ordered and appeared as follows:

AFFIRMATIVE.

Messrs.	Brent, of Charles,	Bowling
Chapman, Pres't.	Jenifer	Dirickson
Morgan	Ridgely	McMaster
Blakistone	Dennis, John	Hearn
Dent	Dennis, James U.	Fooks
Hopewell	Dashiell	Jacobs
Ricaud	Williams	Gaither
Lee	Hicks	Annan
Chambers, of Kent,	Hodson	Schley
Donaldson	Goldsborough	Fiery
Dorsey	Eccleston	Neill
Wells	Phelps	Newcomer, John
Randall	Bowie	Kilgour
Kent	Tuck	Smith
Weems	Sprigg	Ege
Dalrymple	McCubbin	Cockey—48.
Bond		

NEGATIVE.

Messrs. Sellman	Grason	Brent, of Balt. city,
Howard	George	Sherwood, " "
Buchanan	Wright	Presstman
Bell	Shriver	Ware
Welsh	Biser	Harbine
Chandler	Sappington	Newcomer, Michael
Lloyd	Stephenson	Anderson
Dickinson	McHenry	Weber
Sherwood, of Talbot,	Magraw	Hollyday
Colston	Nelson	Slicer
Constable	Thawley	Fitzpatrick

Chambers, of Cecil, Stewart, of Caroline, Parke
 Miller Gwinn Shower
 McLane Stewart, of Balt. city, Brown—43.
 Spencer

Mr. Spencer, offered the following amendment:

Strike out "George G. Brewer," and insert "John Nick Watkins,"
 strike out "Washington B. Chichester," and insert "Joseph H. Tarr."

The yeas and nays being asked for appeared as follows:

AFFIRMATIVE.

Messrs.	Spencer	Stewart, of Balt. city,
Sellman	Grason	Brent, of Balt. city,
Howard	George	Sherwood, " "
Buchanan	Wright	Presstman
Bell	Shriver	Wate
Welsh	Biser	Harbine
Chandler	Sappington	Newcomer, Michael
Lloyd	Stephenson	Anderson
Dickinson	McHenry	Weber
Sherwood, of Talbot,	Magraw	Hollyday
Colston	Nelson	Slicer
Constable	Thawley	Parke
Chambers, of Cecil,	Stewart, of Caroline,	Shower
Miller	Gwinn	Brown—43.
McLane		

NEGATIVE.

Messrs.	Bond	Bowling
Chapman, Pres't.	Brent, of Charles,	Dirickson
Moigan	Jenifer	McMaster
Blakistone	Ridgely	Hearn
Dent	Dennis, John	Fooks
Hopewell	Dennis, James U.	Jacobs
Ricaud	Dashiell	Gaither
Lee	Williams	Annan
Chambers, of Kent,	Hicks	Schley
Donaldson	Hodson	Fiery
Dorsey	Goldsborough	Neill
Wells	Eccleston	Newcomer, John
Randall	Bowie	Kilgour
Kent	Tuck	Smith
Weems	Sprigg	Ege
Dalrymple	McCubbin	Cockey—47.

Determined in the negative.

Mr. McHenry moved to strike out all after the word "resolved" and insert "that John Nick Watkins and George G. Brewer be and they are hereby appointed Secretaries of this Convention."

Mr. Blakistone asked for a division of the question.

The motion being on the question to strike out,

The yeas and nays were asked for, and appeared as follows:

AFFIRMATIVE.

Messrs. Sellman	Spencer	Stewart, of Balt. city
Howard	Grason	Brent “ “
Buchanan	George	Sherwood, “ “
Bell	Wright	Presstman
Welsh	Shriver	Ware
Chandler	Biser	Harbine
Ridgely	Sappington	Newcomer, Michael
Lloyd	Stephenson	Anderson
Dickinson	McHenry	Weber
Sherwood, of Talbot,	Magraw	Hollyday
Colston	Nelson	Slicer
Constable	Thawley	Parke
Chambers, of Cecil,	Stewart, of Caroline,	Shower
Miller	Gwinn	Brown—43.
McLane		

NEGATIVE.

Messrs.	Bond	Dirickson
Chapman, Pres't.	Brent, of Charles	McMaster
Morgan	Jenifer	Hearn
Blakistone	Dennis, John	Fooks
Dent	Dennis, James U.	Jacobs
Hopewell	Dashiell	Gaither
Ricaud	Williams	Annan
Lee	Hicks	Schley
Chambers, of Kent,	Hodson	Piery
Donaldson	Goldsborough	Neill
Dorsey	Eccleston	Newcomer, John
Wells	Bowie	Kilgour
Randall	Tuck	Smith
Kent	Sprigg	Ege
Weems	McCubbin	Cockey—46.
Dalrymple	Bowling	

Determined in the negative.

The question recurring on the resolution, it was

Determined in the affirmative.

Mr. Tuck offered the following resolution :

Resolved, That hereafter the Convention will assemble at 10½ o'clock, until further ordered.

Mr. Grason moved to strike out “half past ten” and insert “ten.”

Mr. Chambers, of Kent, moved to insert 11 o'clock.

The question being on the latest hour, it was

Determined in the negative.

The question being on the amendment to strike out “half-past ten” and insert “ten,” it was

Determined in the affirmative.

The question then being on the adoption of the resolution as amended, it was

Determined in the affirmative.

Mr. Jenifer moved to call up his resolution which was laid on the table this morning.

Mr. Brent, of Baltimore city, offered the following resolution:

Resolved, That a committee of five be appointed by the President, to report on the credentials and qualifications of members of this Convention, and that said committee be particularly instructed to consider and report whether the restrictions and disabilities provided in the Bill of Rights should be applied to the members of this Convention, and if so, whether any person holding a commission from this State is competent to qualify as a delegate in this body, consistently with the 6th, 30th and 32nd articles of the Bill of Rights, and that said committee report by to-morrow morning;

Determined in the affirmative.

The President appointed the following gentlemen the committee:

Messrs. Brent, of Baltimore city, Bowie, Buchanan, Ricaud and Dennis.

The President appointed the following gentlemen as a committee on Rules:

Messrs. Phelps, Schley, Constable, Tuck, Howard, Williams and Biser.

On motion of Mr. Ricaud,

The Convention adjourned until to morrow morning 10 o'clock.

THURSDAY, November 14th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

George G. Brewer, the Secretary appointed on yesterday, appeared and took his seat at the Secretary's desk.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Ridgely, offered the following resolution :

Which was read.

Resolved, That additional copies of the Daily Journal be printed for the use of the Convention, and that an equal number be distributed to the members.

Mr. Ridgely, moved to fill the blank in said resolution with "ten;"

Mr. Shriver, moved to fill the blank with "five;"

Which amendment was accepted by Mr. Ridgely.

Mr. Tuck, moved that said resolution be referred to the committee on Printing, to be hereafter appointed;

Determined in the affirmative.

Mr. Stewart, of Baltimore city, offered the following resolution:
Which was read.

Resolved, That in the opinion of this Convention, it is expedient that the proceedings and debates of this Convention should be fully reported, and that a committee of three be appointed by the chair, whose duty it shall be to inquire and report to this Convention the whole expenditure which such report will probably involve.

On motion of Mr. Ridgely,

Said resolution was amended by adding at the end thereof, the following :

“And what arrangements, if any, can be made to accomplish that object free of expense to the State.”

The question then recurred upon the adoption of the resolution as amended.

Mr. Grason, moved further to amend said resolution by striking out from the word “that” in the first line, these words, “in the opinion of this Convention, it is expedient that the proceedings and debates of this Convention should be fully reported, and that ;”

Determined in the negative.

The question then recurred upon the adoption of the resolution.

Mr. Sherwood, of Baltimore city, offered as a substitute for said resolution, the following :

Which was read.

Ordered, That the President of this Convention be and he is hereby authorised to appoint an efficient reporter to report in full the debates of this body.

Mr. Blakistone, moved to lay the resolution and substitute on the table ;

Determined in the negative.

Mr. Spencer moved to refer said resolution and substitute to a committee of seven to be appointed by the chair ;

Determined in the affirmative.

On motion of Mr. Spencer,

(Seconded by two other members that voted in the majority) the Convention reconsidered their vote upon the resolution submitted by Mr. Ridgely, in relation to additional copies of the Daily Journal to be printed for the use of the Convention ;

The said resolution was then referred to the select committee of seven to be appointed by the chair.

Mr. Stewart, of Baltimore city, offered the following resolution :

Which was read.

Resolved, That the President of this Convention be authorised to request of Thomas H. Kent, United States Marshall for the Maryland District, to send such returns as he may have completed, and such as may hereafter be completed, of the census of

Baltimore city and of the counties of this State, and of Howard district.

Mr. Spencer moved to amend said resolution by striking out all after the words "Maryland District" to the end thereof, and inserting in lieu thereof, the following :

"An abstract in writing showing from the census returns the aggregate amount of the population of each county in this State, Howard district and the city of Baltimore, if not inconsistent with his duty, as soon as it can be conveniently done."

Mr. Constable, moved to lay said resolution and amendment on the table ;

Determined in the affirmative.

Mr. Brent, of Balt. city, chairman of the committee on credentials and qualifications of members of the Convention, asked for further time to make their report ;

On the question being put, on granting them further time, it was Determined in the affirmative.

Mr. Bowie, then moved that said committee have until Monday week to make said report ;

Determined in the affirmative.

Mr. Harbine, submitted the following resolution:

Resolved, That the unanimous thanks of this Convention be and they are hereby tendered to the Honorable Benjamin C. Howard, President of the Convention, pro tem., the Honorable James L. Ridgely, of Baltimore county, and the Honorable James B. Ricaud, of Kent county, Secretaries pro tem., for the able and faithful manner in which they have severally discharged their respective duties ;

Which was read and assented to.

Mr. Bowie, submitted the following order :

Ordered, That Richard R. Booth, be appointed Sergeant-at-Arms, and Steward T. Herbert and Samuel I. Lambden, Door-keepers to this convention—and that the President of this Convention be and he is hereby authorised to employ a messenger who shall also act as postmaster to this Convention, whenever the services of such messenger shall be absolutely necessary.

Which was read.

Mr. Spencer, moved to amend said order, by striking out the name of "Richard R. Booth," and inserting in lieu thereof the name of "Isaiah Aniba ;"

Mr. Ridgely, moved further to amend said resolution by striking out "Sergeant-at-Arms," and inserting "Door-keeper ;"

On motion of Mr. Spencer,

The question was taken by yeas and nays, which were ordered and appeared as follows :

AFFIRMATIVE.

Sellman
Buchanan
Bell
Welsh

George
Wright
Shriver
Gaither

Brent, of Balt. city
Sherwood, " "
Presstman
Ware

Chandler	Biser	Harbine
Ridgely	Sappington	Newcomer, Michael
Lloyd	Stephenson	Anderson
Dickinson	McHenry	Hollyday
Sherwood, of Talbot,	Nelson	Slicer
Chambers, of Cecil,	Thawley	Cockey
Miller	Stewart, of Caroline,	Parke
Spencer	Gwinn	Showers
Grason	Stewart, of Balt. city,	Brown—39.

NEGATIVE.

Messrs.	Brent, of Charles,	McCubbin
Chapman, Pres't.	Jenifer	Bowling
Morgan	Dennis, John	Dirickson
Blakistone	Dennis, James U.	McMaster
Hopewell	Dashiell	Hearn
Ricaud	Williams	Jacobs
Lee	Hicks	Annan
Donaldson	Hodson	Schley
Dorsey	Goldsborough	Fiery
Wells	Eccleston	Neill
Randall	Phelps	Newcomer, John
Weems	Bowie	Kilgour
Dalrymple	Tuck	Davis—40.
Bond	Sprigg	

Mr. Spencer, then withdrew his amendment.

The question then recurred on the adoption of the order ;

Mr. Buchanan, moved to amend said order, by striking out "Steward T." and inserting in lieu thereof, the name of "Gideon," so as to make it read "Gideon Herbert" instead of "Steward T. Herbert ;"

Determined in the negative.

Mr. Harbine, moved to amend said order by striking out all after the word "ordered," to the end thereof, and inserting in lieu thereof the following :

"That Isaiah Aniba, of Washington county, be and he is hereby appointed Sergeant-at-Arms for this Convention."

Mr. Bowie, moved for a division of the question, upon striking out ;

Mr. Brown, rose to a point of order, that the motion of Mr. Bowie, was not in order ;

The Chair decided the motion to be in order ;

From which decision Mr. Brown took an appeal ;

The question was then put,

"Shall the opinion of the Chair stand as the judgment of the Convention?"

Determined in the affirmative.

So the decision of the Chair was sustained.

The question then recurred upon the motion of Mr. Bowie, upon striking out ;

On motion of Mr. Harbine,
The question was taken by yeas and nays, which were ordered
and appeared as follows:

AFFIRMATIVE.

Messrs.	Shriver	Sherwood of Balt.
Sellman	Gaither	Presstman
Buchanan	Biser	Ware
Bell	Sappington	Harbine
Welsh	Stephenson	Newcomer, Michael
Chandler	McHenry	Anderson
Lloyd	Nelson	Hollyday
Dickinson	Thawley	Slicer
Sherwood, of Talbot,	Stewart, of Caroline,	Parke
Chambers, of Cecil,	Gwinn	Shower
Miller	Stewart, of Balt. city,	Brown—34.
Wright	Brent, “ “	

NEGATIVE.

Messrs.	Ridgely	Spencer
Chapman, Pres't.	Dennis, John	Grason
Morgan	Dennis, James U.	George
Blakistone	Dashiell	Dirickson
Hopewell	Williams	McMaster
Ricaud	Hicks	Hearn
Lee	Hodson	Jacobs
Donaldson	Goldsborough	Annan
Dorsey	Eccleston	Schley
Wells	Phelps	Fiery
Randall	Bowie	Neill
Weems	Tuck	Newcomer, John
Dalrymple	Sprigg	Kilgour
Bond	McCubbin	Davis
Brent, of Charles,	Bowling	Cockey—44.
Jenifer		

So the Convention refused to strike out.

The question then recurred upon the adoption of the order:

Mr. Spencer, moved to amend said order by adding at the end thereof, the following:

“And that said messenger be Isaiah Aniba, of Washington county;”

Determined in the negative.

On motion of Mr. Spencer,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.

Messrs.	George	Gwinn
Bell	Wright	Stewart, of Balt. city,
Welsh	Shriver	Sherwood, “ “
Chandler	Gaither	Ware
Ridgely	Biser	Harbine
Lloyd	Annan	Newcomer, Michael

Dickinson	Sappington	Anderson
Sherwood, of Talbot,	Stephenson	Hollyday
Chambers, of Cecil,	McHenry	Slicer
Miller	Nelson	Parke
Spencer	Thawley	Shower
Grason	Stewart, of Caroline,	Brown—35.

NEGATIVE.

Messrs.	Brent, of Charles,	Sprigg
Chapman, Pres't.	Jenifer	McCubbin
Morgan	Buchanan	Bowling
Blakistone	Dennis, John	Diickson
Hopewell	Dennis, James U.	McMaster
Ricaud	Dashiell	Hearn
Lee	Williams	Jacobs
Donaldson	Hicks	Schley
Dorsey	Hodson	Fieri
Wells	Goldsborough	Neill
Randall	Eccleston	Newcomer, John
Sellman	Phelps	Kilgour
Weems	Bowie	Davis
Dalrymple	Tuck	Cockey—42.
Bond		

The question then recurred upon the adoption of the order; and Determined in the affirmative.

Mr. Ricaud, submitted the following order, which was twice read and adopted.

Ordered, That a committee on accounts to consist of five members be appointed by the President, and that John W. Rider be appointed clerk to said committee.

Mr. Bowie, submitted the following order :

Which was read,

Ordered, That Samuel Peacock, George S. King, George W. Dowell, Robert B. Lecompte, Joseph Morritz, and James C. Marriott be appointed committee clerks to this Convention.

Mr. McHenry, moved to amend said order by striking out all after the word "ordered," to the end thereof, and insert the following :

That John Nick Watkins be and he is hereby appointed an additional Secretary to this Convention;

Determined in the negative.

On motion of Mr. McHenry,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs.	Spencer	Thawley
Sellman	Grason	Stewart, of Caroline,
Buchanan	George	Stewart, of Balt. city,
Bell	Wright	Harbine
Welsh	Shriver	Newcomer, Michael
Chandler	Gaither	Anderson
Lloyd	Biser	Hollyday

Dickinson	Sappington	Slicer
Sherwood, of Talbot,	Stephenson	Parke
Chambers, of Cecil,	McHenry	Shower
Miller	Nelson	Brown—32.

NEGATIVE.

Messrs.	Ridgely	McMaster
Chapman, Pres't.	Dennis, John	Hearn
Morgan	Dennis, James U.	Jacobs
Blakistone	Dashiell	Annan
Hopewell	Williams	Gwinn
Ricaud	Hicks	Brent, of Balt. city,
Lee	Hodson	Sherwood, of Balt. city
Donaldson	Goldsborough	Ware
Dorsey	Eccleston	Schley
Wells	Phelps	Fiery
Randall	Bowie	Neill
Weems	Tuck	Newcomer, John
Dalrymple	Sprigg	Kilgour
Bond	McCubbin	Davis
Brent, of Charles,	Bowling	Cockey—46.
Jenifer	Dirickson	

So the amendment was rejected.

Mr. Spencer, moved to lay said order on the table.

Determined in the negative.

On motion of Mr. Spencer,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs. Sellman,	Wright,	Fiery,
Buchanan,	Shriver,	Newcomer, John
Bell,	George,	Harbine,
Welsh,	Gaither,	Newcomer, Michael
Chandler,	Biser,	Anderson,
Ridgely,	Sappington,	Weber
Lloyd,	Stephenson,	Hollyday,
Dickinson,	McHenry,	Slicer,
Sherwood of Talbot,	Nelson,	Parke,
Chambers, of Cecil,	Thawley,	Shower
Miller,	Stewart, of Caroline,	Brown—35.
Spencer	Stewart, of Balt. city,	

NEGATIVE.

Messrs.	Dennis, John	Dirickson,
Chapman, Pres't.	Dennis, James U.	McMaster,
Morgan,	Dashiell,	Hearn,
Blakistone,	Williams,	Jacobs,
Hopewell,	Hicks,	Annan,
Ricaud,	Hodson,	Gwinn,
Lee,	Goldsborough,	Brent, of Balt. city,
Donaldson,	Eccleston,	Sherwood, of Balt.

Dorsey,	Phelps,	Presstman,
Wells,	Bowie,	Ware,
Randall,	Tuck,	Schley,
Weems,	Sprigg,	Neill,
Dalrymple,	McCubbin,	Kilgour,
Bond,	Bowling	Davis,
Brent, of Charles,	Grason	Cockey—45.
Jenifer		

Mr. Spencer, then moved to amend said order by striking out the four first names, and inserting in lieu thereof :

“Robert Goldsborough, of Queen Anne’s, W. H. Adamson, of Montgomery, C. W. Benny, of Cecil, M. P. Dove, of Harford.”
Determined in the negative.

The question then recurred and was put on the adoption of the order; and

Determined in the affirmative.

On motion of Mr. Spencer,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.

Messrs.	Jenifer	Dirickson
Chapman, Pres’t.	Dennis, John	McMaster
Morgan,	Dennis, James U.	Hearn
Blakistone	Dashiell	Jacobs
Hopewell	Williams	Annan
Ricaud	Hicks	Gwinn
Lee	Hodson	Brent, of Balt. city,
Donaldson	Goldsborough	Sherwood, of Balt.
Dorsey	Eccleston	Presstman
Wells	Phelps	Ware
Randall	Bowie	Schley
Weems	Tuck	Neill
Dalrymple	Sprigg	Kilgour
Bond	McCubbin	Davis
Brent, of Charles,	Bowling	Cockey—44.

NEGATIVE.

Messrs. Sellman	Grason	Stewart, of Balt. city,
Buchanan,	George	Fiery
Bell	Wright	Newcomer, John
Welsh	Shriver	Hardcastle
Chandler	Gaither	Newcomer, Michael
Ridgely	Biser	Anderson
Lloyd	Sappington	Hollyday
Dickinson	Stephenson	Slicer
Sherwood, of Talbot,	McHenry	Parke
Chambers, of Cecil,	Nelson	Shower
Miller	Thawley	Brown—35.
Spencer	Stewart, of Caroline,	

So the order was adopted.

On motion of Mr. Jenifer,

The Convention took up for consideration the order submitted

by him on yesterday, to appoint a committee to enquire and report what method would be most expedient to bring before the Convention amendments to the constitution.

Mr. Blakistone, submitted the following as a substitute therefor :

Ordered, that the following committees to consist of 21 members each, one from each county, and the city of Baltimore:

On the Legislative Department.

On the Executive Department.

On the Judiciary Department.

On the Elective Franchise.

On Education.

On Local and General Elections.

On Internal Improvements.

Be appointed by the Chair, and all the committees hereafter to be raised whether special or general shall be appointed by the Chair, unless otherwise ordered by the Convention.

Which was read.

On motion of Mr. Jenifer,

The Convention adjourned until to-morrow morning 10 o'clock.

FRIDAY, November 15th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Phelps, chairman of the committee on Rules, submitted a report ;

Which was read, and

On motion of Mr. Phelps,

Ordered to be printed.

Mr. Spencer, submitted the following resolution :

Which was twice read and adopted.

Resolved, That the Secretary of this Convention request the clerk of Baltimore county court, to furnish this convention with a statement of the amount of money paid to each of the judges of said court in the years 1847, 1848 and 1849, arising from and out of the taxes and per centage imposed by the act of Assembly of 1828, chapter 161, and the several supplements thereto, distinguishing between taxes on original and final writs, on judgments, on insolvent discharges, amount of per centage on insolvent estates, and taxes and per centage on equity proceedings, or from any other source arising out of said law and supplements.

The Convention then resumed the consideration of the unfinished business of yesterday, being the order submitted by Mr. Jenifer,

to appoint a committee to inquire and report what method would be most expedient to bring before the Convention amendments to the constitution, and the substitute offered therefor on yesterday by Mr. Blakistone ;

Mr. Blakistone, withdrew his substitute.

The question then recurred upon the resolution as offered by Mr. Jenifer ;

On motion of Mr. Tuck,

Said resolution was amended by striking out from the word "amendments," to the end thereof inclusive, and inserting in lieu thereof, the following: "The forms and provisions of a new constitution."

On motion of Mr. Blakistone,

Said resolution was further amended by filling the blank in said resolution with "twenty-one ;"

The said resolution was then assented to as amended.

Mr. Gwinn, submitted the following order:

Ordered, That the following committees to consist each of seven members, be appointed by the President, and that they constitute the standing committees of this Convention.

1. On the apportionment, election, tenure of office and compensation of the Legislature.

2. On the powers and duties of the Legislature except as to matters otherwise referred.

3. On canals, internal improvement, public revenues and property, and the power and duties of the Legislature in reference thereto ; and the restrictions, if any, proper to be imposed upon the action of the Legislature in making donations from the public funds, and in making loans of the funds, or credit of the State.

4. On the qualification to vote and hold office.

5. On the election, tenure of office, compensation, powers and duties, (except as to the power to nominate to office) of the Governor and of the Secretary of State.

6. On the election and appointment of all officers other than Legislative and Judicial, and other than the Governor and Secretary of State, and of their powers, duties and compensation.

7. On the militia and military officers.

8. On the judiciary and on the appointment, or election of judicial officers, and their tenure of office, and compensation ;—on the organization of State courts,—and on the division of the State into judicial districts.

9. On education, common schools and the appropriate funds.

10. On the organization and power of counties, cities and incorporated towns, and especially their power of taxation, assessment, borrowing money and contracting debts, and loaning their credit.

11. On currency and banking.

12. On corporations, other than banking and municipal.

13. On future amendments and revisions of the constitution.

14. On the Bill of Rights.

Which was read, and

On motion of Mr. Gwinn,

Referred to the select committee of twenty-one.

Mr. Buchanan, submitted the following resolutions:

1st. Resolved, That a committee of thirteen be appointed to report a proper basis of representation in the two Houses of the General Assembly, and a proper apportionment of representation.

2nd. Resolved, That a committee of thirteen be appointed upon the right of suffrage, the term of service and the qualifications of persons to be elected to the Senate and House of Delegates of Maryland.

3rd. Resolved, That a committee of thirteen be appointed upon all such constitutional provisions as are not embraced by the preceding resolution relating to the legislative department of the government.

4th. Resolved, That a committee of thirteen be appointed upon the mode of appointment, the tenure of office, and the distribution of duties of the judiciary department of the State of Maryland.

5th. Resolved, That a committee of thirteen be appointed upon the mode of appointment, the qualifications, and tenure of office of the Judges of the Orphans Courts, Justices of the Peace, Sheriffs, and other county officers.

6th. Resolved, That a committee of thirteen be appointed upon the election, powers and duties, and term of office of the Governor and all other State officers, executive and ministerial.

7th. Resolved, That a committee of thirteen be appointed upon amending the proceedings of the courts of justice, so as to simplify, expedite, and reduce the expenses of the same.

8th. Resolved, That a committee of eleven be appointed upon the subject of a declaration of rights of the State of Maryland.

Which were read, and

On motion of Mr. Buchanan,

Said resolutions were referred to the select committee of twenty-one.

Mr. McHenry, submitted the following resolutions:

Resolved, That the President appoint the following standing committees on the constitution.

1st. A committee of twenty-five, to take into consideration and report to this Convention, provisions for the organization of the Executive Department of Government, proper to be embodied in the constitution about to be framed.

2nd. A committee of twenty-six, to take into consideration and report to this Convention, provisions for the organization of the Judicial Department of Government, proper to be embodied in the constitution about to be framed.

3rd. A committee of twenty-six, to take into consideration and report to this Convention, provisions for the organization of the Legislative Department of Government, proper to be embodied in the new constitution about to be framed.

4th. A committee of twenty-five, to take into consideration and report to this Convention, such provisions proper to be embodied

in a constitution, for the State of Maryland, as are not embraced in the foregoing resolutions.

Resolved, That no original resolutions offered to the Convention, proposing any feature to be engrafted on the new constitution, be discussed on its merits in Convention, until after it shall have been referred.

Which was read, and

On motion of Mr. McHenry,
Referred to the select committee of twenty-one.

Mr. Randall, submitted the following order:

Ordered, That standing committees of this Convention be appointed on the following subjects:

1. On the Declaration of Rights.
2. On the Legislative Department.
3. On the Executive Department.
4. On the Judiciary Department.
5. On the Election Franchise and on all Elections.
6. On Education, Primary Schools and their funds.
7. On the Colored Population.
8. On the Appointment or Election and Tenure of Office of all Officers, except those of the Legislative, Executive and Judiciary.
9. On all subjects not specially referred to any of the above committees.

And that the first eight committees consist of eleven members, and the last committee consist of fourteen members.

Which was read, and

On motion of Mr. Randall,
Referred to the select committee of twenty-one.

Mr. Jenifer submitted the following resolutions:

1st. Resolved, That a committee be appointed to take into consideration the Declaration of Rights, and to report to this Convention whether, in their opinion, any, and if any, what amendments are necessary thereto.

2nd. Resolved, That a committee be appointed to take into consideration the Legislative Department of Government, and to report to this Convention either a substitute for the same, or such amendments thereto as may be deemed necessary.

3rd. Resolved, That the Executive Department of the Government be referred to a committee to inquire and report what amendments are necessary thereto.

4th. Resolved, That the Judicial Department of the Government be referred to a committee to enquire and report what amendments, substitutes, or alterations are necessary thereto.

5th. Resolved, That all such parts of the Constitution as are not referred by the foregoing resolutions be referred to a committee to enquire and report what amendments or substitute are necessary thereto.

6th. Resolved, That no original resolution offered to the Convention relative to the Constitution or Declaration of Rights be discussed on its merits in the House till it shall have been referred.

7th. Resolved, That a committee be appointed to enquire and report upon the proper apportionment of representation in the Assembly of Maryland.

Which were read, and

On motion of Mr. Jenifer,

Referred to the select committee of twenty-one.

Mr. Ricaud submitted the following order :

Ordered, That the committee on the appointment of committees take into consideration the propriety of subdividing the matter of the judiciary into three committees, so as to embrace one on the appointment of a separate Appellate Court, one on the system of County Courts, and a third on the Courts of Equity and Orphans Courts, with a view of consolidating those two systems;

Which was read, and

On motion of Mr. Ricaud,

Referred to the select committee of twenty-one.

Mr. Sellman submitted the following order:

Ordered, That the resolutions offered by Mr. Sellman on Monday, the 11th inst., in reference to the organization of the Convention, be referred to the general committee raised this morning ;

Which was read, and

On his motion referred to the select committee of twenty-one.

Mr. Davis submitted the following order :

Ordered, That the committee of twenty-one be instructed to enquire whether a committee ought not to be appointed upon the subject of Agriculture;

Which was twice read and adopted.

Mr. Gwinn submitted the following order:

Ordered, That the clerks of the several counties in this State and of Howard District, and of Baltimore city court, and the Registers of Wills of the several counties and of Howard District, be requested to inform this Convention the gross receipts of their several offices, and that they be further requested to state what are the expenses incurred in carrying on the duties of their said offices; what clerks or other officers they employ, at what rates they are paid, and whether they are paid out of the gross receipts of the office or otherwise, and give an account of all the expenses of the said offices; and that the said clerks of the several county courts, and of the clerk of Baltimore city court, and the Register in Chancery, state what number of cases, criminal and civil, and on the equity side of the said county courts, distinguishing the same, were tried in the said counties, Howard District, and city of Baltimore, at the several terms of the courts held therein, in the years 1846,-'47,-'48,-'49-'50; what number of suits were brought in the said several counties within the period referred to, specifying the number brought to each term; in what number of cases judgment was entered without a jury sworn; in how many a jury was sworn for the purpose only of taking a verdict; and how many cases were actually argued; and the number of insolvent applications returned to said county courts during the said time, and that the said reports be made by the 15th of December next.

And be it further ordered, That the Secretary of this Convention send a copy of this order to the officers herein named;

Which was twice read and adopted.

Mr. Phelps submitted the following order:

Ordered, That the Secretary of this Convention be authorised and directed to furnish the members of the Convention, as they individually may direct, the usual number of newspapers, as provided by resolution of the last General Assembly;

Which was twice read.

Mr. Grason offered as a substitute for said order the following:

Ordered, That the proper officer furnish each member of this Convention with such newspapers as he may direct; provided that the price thereof shall not exceed that of one daily paper;

Which was read.

Mr. Constable moved to amend said substitute by striking out "one" and inserting in lieu thereof "two."

Mr. Jenifer moved to amend said substitute by striking out "one" and inserting "three;"

Determined in the negative.

The question then recurred upon the amendment proposed by Mr. Constable, to strike out "one" and insert "two;" and

Determined in the affirmative.

Mr. Phelps, (by permission of the Convention,) withdrew the order offered by him.

The question then recurred and was put upon the order as submitted by Mr. Grason, and amended upon the motion of Mr. Constable; and

Determined in the affirmative.

Mr. Constable submitted the following order:

Ordered, That the Commissioners of the Tax or Levy Courts of the several counties of this State, and of Howard District, and the Mayor and City Council of Baltimore, be requested to furnish this Convention with the following information in every case where the same has been published in any newspaper or otherwise printed by authority of law, or of the said Commissioners, Levy Courts, or the Mayor and City Council of Baltimore, viz: The aggregate amount of the last assessment of property in said City, District, and Counties respectively, for City, District or County purposes, the rate of taxation thereon, for the same purposes every year since the date of said assessment, and the amount of such tax levied, collected and disbursed during the last fiscal year, specifying every item, and the amount of appropriation for each respectively; and that the Secretary transmit a copy of this order to the several Boards of Commissioners and Levy Courts of the several Counties of this State, and of Howard District, and to the Mayor and City Council of Baltimore;

Which was twice read and adopted.

Mr. Ware submitted the following resolution:

Resolved, That when the Convention adjourn it stand adjourned until Monday next, at 12 o'clock, M.;

Which was twice read and adopted.

The President announced the appointment of the following committees:

The Committee of Twenty-one, "to enquire and report what method would be most expedient to bring before the Convention the forms and provisions of a new Constitution."—Messrs. Jenifer, Blakistone, Ricaud, Sellman, Solleis, Buchanan, Dickinson, John Dennis, Hicks, Constable, Sprigg, Spencer, Dirickson, Johnson, McHenry, Stewart, of Caroline, Gwinn, Schley, Davis, Smith, and Brown.

Committee on Accounts.—Messrs. Wells, Williams, Lloyd, Neill and Ware.

Committee on Reporting and Printing.—Messrs. Stewart, of Baltimore city, Bowie, Randall, Johnson, Spencer, Ricaud, and Weber.

On motion of Mr. Stewart, of Baltimore city,

The Convention adjourned until Monday morning 12 o'clock.

MONDAY, November 18th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on Friday.

Prayer by the Rev. Mr. Graff.

The proceedings of Friday were read.

Mr. Phelps, submitted the following order:

Which was twice read and adopted.

Ordered, That the Register in Chancery be requested to inform this Convention, at the earliest practicable period, the number of suits now pending in the High Court of Chancery, and how many of those suits have originated in each of the counties of this State, Howard district and the city of Baltimore; also, in what year they were severally instituted, and the probable length of time which would be required to decide the cases now pending in said court; provided, the origination of new cases was prohibited by constitutional provisions.

On motion of Mr. Blakistone,

The Convention took up for consideration the report submitted by Mr. Phelps, on the 15th inst., being rules and orders for the regulation and government of the Convention.

The 1st, 2nd and 3rd rules were severally read and adopted.

Mr. Randall, moved to amend the 4th rule by inserting after the words "questions of order," these words "without debate;"

Determined in the negative.

On motion of Mr. Bowie,

The 4th rule was amended, by striking out in the last line

thereof, the words "an adjournment," and inserting in lieu thereof the words "one week;"

The 4th rule, as amended, was then adopted.

The 5th and 6th rules, were severally read and assented to.

On motion of Mr. Donaldson,

The 7th rule was amended, by striking out in the 5th line, these words "to postpone indefinitely," and by striking out also the two last lines, being in these words "and when a question is postponed indefinitely, the same shall not be acted on again during the session ;"

The said rule was then adopted as amended.

The 8th, 9th, 10th, 11th, 12th and 13th rules were severally read and adopted.

Mr. McHenry, moved to amend, by inserting as the 15th rule, the following.

"No member shall absent himself from any sitting of the Convention, except in case of indisposition, without leave previously obtained, and in the journal shall daily be recorded the names of all absentees ;"

Which was read, and on the question being put on the adoption of said rule ; it was

Determined in the negative.

Mr. McHenry, moved for the yeas and nays;

Which motion was not sustained.

Mr. Kilgour, moved to amend the 14th rule, by striking out these words "Officers of the Army and Navy;"

Determined in the negative.

Mr. Ware, moved to amend said 14th rule, by striking out all said rule except the last paragraph.

Determined in the negative.

On motion of Mr. Schley,

The Convention reconsidered their vote upon the motion of Mr. Ware, to strike out all of the 14th rule except the last paragraph;

The question then recurred and was put upon the amendment as offered by Mr. Ware, and

Determined in the affirmative.

The said 14th rule was then adopted as amended.

On motion of Mr. Schley,

The 15th rule was amended by striking out the word "notice," and inserting in lieu thereof "instance."

The said 15th rule was then adopted as amended.

The 16th rule was read and adopted.

On motion of Mr. Crisfield,

The 17th rule was amended, by inserting after the words "shall preclude all," the word "further."

On motion of Mr. Dorsey,

Said rule was further amended by inserting after the word "consideration," in the 6th line, these words "and if the previous question is sustained."

Mr. Biser, then moved to amend said rule by striking out these words, "when on taking the previous question the Convention

shall decide that the same shall not now be put, the main question shall be still under consideration."

Determined in the negative.

The said 17th rule was then adopted as amended.

The 18th, 19th and 20th rules were severally read and adopted.

On motion of Mr. Bowie,

The 21st rule was amended by striking out in the 10th line thereof, the word "three," and inserting in lieu thereof, "one."

On motion of Mr. Blakistone,

Said rule was further amended by striking out the words "but the question shall not be taken on the motion to reconsider on the same day on which the decision proposed to be reconsidered shall take place unless by unanimous consent."

Mr. Blakistone, moved to reconsider the vote of the Convention, upon the amendment of Mr. Bowie, amending said rule by striking out "three," and inserting, "one;"

Determined in the negative.

The said rule was then adopted as amended.

Mr. Bowie moved to strike out the 22nd rule.

Determined in the negative.

The said rule was then read and adopted.

The 23rd, 24th, 25th and 26th rules were severally read and adopted.

The 27th rule was then read,

Mr. Bowie, moved to amend said rule by striking out the words "two thirds," and inserting in lieu thereof "a majority."

Determined in the negative.

Mr. Ricaud, moved that the Convention adjourn;

Determined in the negative.

Mr. Neill, submitted the following order:

Which was twice read and adopted.

Ordered, That the clerks of the court of Appeals for the Eastern and Western Shores, be requested to inform this Convention of the number of cases argued and decided in said courts, during the years 1847, 1848 and 1849, and that said reports be made by the 15th of December next.

On motion of Mr. Neill,

The Convention adjourned until to-morrow morning, 10 o'clock.

TUESDAY, November 19th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Brown, submitted the following resolution :

Resolved, That the following Standing Committees shall be appointed by the President :

A committee on Elections.

A committee to prepare a Declaration of Rights.

A committee on the powers and duties of the Legislature.

A committee on Internal Improvements, the Public Revenue and Property, and the Public Debt.

A committee on the Executive Department.

A committee on the Judiciary.

A committee on all other Civil Appointments.

A committee on granting Bank Charters and all other acts of Incorporations.

A committee on the Treasury Department.

A committee on the Militia and Military affairs.

A committee on the Printing for the Convention.

A committee on the claims arising out of the expenses of this Convention.

A committee on the Free Colored Population of this State.

A committee on the amending power of the Constitution.

Each of the above committees is to consist of seven members.

Also, a committee on the Apportionment, Election, tenure of office, and compensation of the Senate and House of Delegates; to consist of nine members, three to be taken from each gubernatorial district.

Which was read, and

On motion of Mr. Brown,

Referred to the select committee of "twenty-one."

Mr. Dirickson, submitted the following resolutions :

Resolved, That a committee of _____ members be appointed by the President, whose duty it shall be to take into consideration the expediency of simplifying, modifying or abolishing the present system of pleadings practiced in courts of justice.

Resolved, That a committee of _____ members be appointed by the President, whose duty it shall be to enquire into the expediency of providing for the election of prosecuting Attorneys by the qualified voters in the city of Baltimore and the several counties respectively in this State.

Which was read, and

On motion of Mr. Dirickson,

Referred to the select committee of "twenty-one."

The Convention resumed the consideration of the unfinished business of yesterday, being the rules and orders for the regulation and government of the Convention.

Mr. Ricaud, moved to reconsider the vote of the Convention upon the 20th rule.

Determined in the affirmative.

Mr. Ricaud, then moved to amend said rule by striking out "twice," in the second line, and inserting in lieu thereof "once."

Mr. Stewart, of Caroline, moved to amend said rule by striking out the word "twice," in the 1st and 2nd lines, and inserting in lieu thereof "three times."

Determined in the negative.

The question then recurred upon the amendment offered by Mr. Ricaud, to strike out "twice," and insert "once," and

Determined in the affirmative.

The said rule was then adopted.

The question then recurred and was put, "will the Convention assent to the rules as amended?"

Determined in the affirmative.

Mr. Fiery, submitted the following resolution :

Resolved, That a select committee of seven be appointed by the Chair, to enquire into the expediency of providing in the constitution for a codification of the laws of the State, in order that the people may know the legal and equitable rules by which they must be governed, that litigation may be diminished, and justice more promptly administered.

Which was read, and

On motion of Mr. Fiery,

Referred to the committee of "twenty-one."

Mr. Parke, submitted the following order :

Ordered, That the committee appointed "to enquire and report what method would be most expedient to bring before the Convention the forms and provisions of a new constitution," take into consideration the propriety of adopting the following standing committees :

1st. On the Rights and Privileges of the inhabitants of this State.

2nd. On the Legislative Department.

3rd. On the Executive Department.

4th. On State Officers, other than Executive and Judiciary.

5th. On the organization of Courts of Justice.

6th. On matters pertaining to Criminal Law.

7th. On Law Practice and Law Reform.

8th. On special and local legislation, and uniformity of laws.

9th. On impeachment and removal from office.

10th. On the Elective Franchise, and apportionment of representation.

11th. On County and District organizations, powers and officers.

12th. On Currency and Banking.

13th. On Corporations other than Banking.

14th. On State Debt and Public Works.

15th. On Finances and Public Taxation.

16th. On the Militia.

17th. On Education.

18th. On Future Constitutional amendments.

19th. On the Free Colored Population.

20th. On Salaries, Compensation and tenure of office.

21st. On Miscellaneous Provisions.

22nd. On Revision, Arrangements and Phraseology, to be composed of the chairmen of the preceding committees.

Which was read, and

On motion of Mr. Parke,

Referred to the committee of "twenty-one."

On motion of Mr. Blakistone,

The resolutions offered by him on the 15th inst., were referred to the select committee of "twenty one."

Mr. Jenifer, moved that the committee of "twenty-one," have leave to sit during the session of the Convention,

On the question being put, on granting the leave, it was

Determined in the affirmative.

Mr. Donaldson, submitted the following order :

Which was twice read and adopted.

Ordered, That the Secretary of this Convention write to the Commissioners of Lotteries, requesting them to furnish to the Convention, at as early a day as practicable, a statement showing the number of Lottery Tickets (including all parts of tickets,) issued by them and sold by the Lottery Contractors of this State from the 1st day of October 1848, to the 30th day of September 1849, and from the 1st day of October 1849, to the 30th day of September 1850, both inclusive, and the average scheme price of said tickets in each of said years; also, the amount realized from the Consolidated Lottery Schemes of this State, for the fiscal years ending the 30th day of November 1846, 1847, 1848 and 1849, respectively, and the distributive proportion of said amount allotted in each of said years, to the several grants, included in the Consolidated system of Maryland Lotteries; also, the several amounts still to be raised in each of said grants, before they are all paid off and extinguished.

Mr. Schley, submitted the following order:

Which was twice read and adopted.

Ordered, That the clerks of the court of Appeals for the Eastern and Western Shores, in giving the information embraced by the order passed yesterday, be requested to state the number of cases in which opinions were filed, and the number in which judgment was given without opinions being filed.

On motion of Mr. Ricaud, it was.

Ordered, That the Convention hereafter meet at 12 o'clock, M., until further ordered.

Mr. Jenifer, moved that in consequence of the absence of Messrs. Spencer and Constable, the President appoint two other gentlemen on the committee of "twenty-one."

Determined in the affirmative.

The President appointed Messrs. Grason and McLane on said committee, in place of Messrs. Spencer and Constable.

Mr. Johnson, submitted the following order :

Which was twice read and adopted.

Ordered, That the President of this Convention is directed to communicate with the Secretary of the Interior, and ascertain from him at what time in his opinion that portion of the census containing the population of Maryland may be expected to be printed, that he also ascertain if the said Secretary of the Interior would not allow the President of this Convention to direct such number of the clerks of this Convention, as he may think necessary, to copy from the Marshal's returns of the various counties of this State, Howard District and the city of Baltimore, the aggregate white, free black and slave population of each, for the use of this Convention.

On motion of Mr. Jenifer,

The Convention adjourned until to morrow morning, 12 o'clock.

WEDNESDAY, November 20th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Gwinn, submitted the following order :

Which was twice read and adopted.

Ordered, That the Secretary of this Convention keep a calander of matters, which are referred to the committee of the whole, and that the proposition standing first upon the said calander, on which no final action may have been had, shall be taken at each day at one and a half o'clock, and that the discussion of the same, and of the amendments, or substitutes proposed thereto, shall be renewed on the succeeding day, or days, at the same hour, until a final vote shall be had thereon, unless the same shall be otherwise disposed of by the Convention.

Mr. Neill, submitted the following order :

Which was twice read and adopted.

Ordered, That the Treasurer of the State furnish this Convention at as early a day as practicable, with a statement showing the sums of money paid for legal services from the first day of January 1838, to this date, designating to whom paid, when paid, and for what service.

Mr. Stewart, of Balt. city, chairman of the committee on reporting and printing, submitted the following orders, accompanied with a communication from Henry G. Wheeler, Esq.

Ordered, That the committee on Printing, be authorized to contract for the reporting of the debates and proceedings of this Convention, according to the proposal of Henry G. Wheeler, and addressed to the chairman of this committee.

Ordered, That the committee on Printing, be authorized to contract for the printing of the debates and proceedings as prepared by the Reporter. Copies thereof in quarto sheets, and copies thereof in octavo form for binding, and, also, to contract for the binding of the octavo form.

Ordered, That the committee on Printing, be authorised to contract for the printing of the Journal of the Convention, copies of which in sheets, are to be furnished on the desk of the members daily, and copies to be bound and held subject to the order of this Convention.

The following are the proposals submitted by Mr. Wheeler:—

ANNAPOLIS, MD., November 18th, 1850.

SIR :—I propose to furnish a full and perfect report of the debates and proceedings of the Convention, as a permanent and reliable record for the State. To this end, I will forthwith put into requisition the services of an efficient corps of reporters. I state the terms as follows:

The joint committee of the two Houses of Congress, of which Senator Benton was chairman, fixed the contract price of the reports at seven dollars and fifty cents per column, [\$7.50.] Of this sum \$2.50 is estimated as the cost of the type-work, &c.; leaving \$5 per column for the reports. I refer to the item in the civil and diplomatic appropriation bill of the last session of Congress, which provided payment for the reports of the "Daily Globe," &c.; which may be found in the printed copy of the Laws.

With great respect, from your obedient servant,

HENRY G. WHEELER.

Hon. DAVID STEWART, Chairman of the committee on Reporting and Printing.

Which was read,

Mr. Stewart, of Balt. city, moved that the consideration thereof, be postponed until to-morrow, the 21st inst.

Mr. Dorsey, moved that the consideration thereof, be postponed until the day after to-morrow, the 22nd inst.

Determined in the affirmative.

Mr. Kilgour, submitted the following order:

Ordered, That the President of this Convention be requested to obtain, if practicable, from the census-books, in the office of the Secretary of the Interior, a statement of the number of white inhabitants now in the State of Maryland who cannot read and write, the number of white persons confined for crimes and misdemeanors, and the proportion of them who cannot read and write also, to procure from the proper authorities in the various States that have adopted liberal systems of education, their respective plans and the practical results thereof as far as can be ascertained.

Which was read.

Mr. Kilgour moved for the yeas and nays,
Which motion was not sustained.

The question then recurred and was put, on the adoption of the order, and

Determined in the affirmative.

Mr. Jenifer, chairman of the committee of "twenty-one," submitted the following

REPORT :

The select committee appointed to inquire and report what method would be most expedient to bring before the Convention the forms and provisions of a new Constitution, have had the same under consideration, and are of opinion that the most convenient method is to adopt the following resolutions, viz :

1st. Resolved, That a committee be appointed to consider and report a Declaration of Rights.

2nd. Resolved, That a committee be appointed to consider and report respecting the Executive Department.

3rd. Resolved, That a committee be appointed to consider and report respecting the Legislative Department.

4th. Resolved, That a committee be appointed to consider and report respecting the Judiciary Department, embracing Common Law Courts, Courts of Equity, Orphans' Courts, Magistrates' Courts and Justices of the Peace, and the mode of appointment and tenure of office.

5th. Resolved, That a committee be appointed to consider and report respecting the Treasury Department.

6th. Resolved, That a committee be appointed to consider and report respecting the office of Attorney General and his deputies.

7th. Resolved, That a committee be appointed to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers, not embraced in the duties of other standing committees.

8th. Resolved, That a committee be appointed to consider and report respecting the Elective Franchise.

9th. Resolved, That a committee be appointed to consider and report respecting the regulation of Inspections.

10th. Resolved, That a committee be appointed to consider and report respecting the power of the Legislature on corporations, municipal and others, and on the power of the Legislature to create debt.

11th. Resolved, That a committee be appointed to consider and report respecting Education.

12th. Resolved, That a committee be appointed to consider and report respecting the Militia and Military Affairs.

13th. Resolved, That a committee be appointed to consider and report respecting future amendments and revisions of the Constitution.

14th. Resolved, That a committee be appointed to consider and

report such provisions proper to be embodied in a Constitution for the State, as are not embraced in the foregoing resolutions.

15th. Resolved, That a committee be appointed to consider and report a proper basis of representation in the two Houses of the General Assembly, and a proper apportionment of representation in the same.

The committee recommend that the first fourteen committees consist of seven members each. And that the fifteenth committee consist of twenty-one members—one from each of the counties, and one from the city of Baltimore.

All of which is respectfully submitted,

DANIEL JENIFER, Chairman.

Which was read.

The 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th and 14th resolutions in said report, were severally read and adopted.

On motion of Mr. Jenifer, it was

Ordered, That said committees, except that authorised by the 4th resolution, should each consist of seven members.

On motion of Mr. Ricaud,

The Convention then adjourned until to-morrow morning, 12 o'clock.

THURSDAY, November 21st, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention the following communication.

CENSUS OFFICE, DEPARTMENT OF THE INTERIOR.

WASHINGTON, November 20, 1850.

To the Hon. JOHN G. CHAPMAN,

President of the Convention at Annapolis.

Sir:—The Secretary of the Interior has referred to me for reply to your letter of the 19th inst., accompanying a report of the action of the Maryland Convention with reference to the census of 1850.

With reference to the first inquiry proposed, which relates to the time when it is expected that the population returns of Maryland will be printed, I have the honor to state that Congress has not yet made provision for the printing of any portion of the census returns, and that it is therefore impossible to say when the printing of these returns will be executed.

With reference to the proposition contained in the following order of the Convention, viz :

“And that he [the President of the Convention] also ascertain if the said Secretary of the Interior would not allow the President of this Convention to direct such number of clerks of this Convention, as he may think necessary to copy from the Marshal’s returns of the various counties of this State, Howard District and the city of Baltimore, the aggregate white, free black and slave population of each, for the use of this Convention.”

I beg leave to remark that there can be no possible objection to the use, for the purpose designated, of the copies of the returns which the law of 23rd May, 1850, provides to be filed with the Secretary of the State of Maryland, and all other States. Should the request however relate to the copies filed in this office, I would beg leave to say, that to me, it would not seem proper for the examination to be made in the manner indicated, because the clerks of this office being now constantly engaged on all returns, anything tending to interfere with their progress, should if possible be avoided, as upon the examination now progressing depends the payments (in point of time) to the assistants, many of whom are importuning for a final settlement of their accounts.

With reference to the returns filed with your Department of State, I would suggest, that as all returns received at this office, immediately undergo a rigid and critical examination, and all errors and apparent discrepancies brought to the notice of the Assistant Marshal for correction and explanation, that if exactness is desired, more reliance can be placed upon a statement made from the returns in this office, than from those filed in Maryland; and willing to afford your Convention every facility for the prosecution of this labor, if desired, I will have a statement prepared from the returns, as fast as received and corrected, so as to be able to furnish the Convention much earlier than perhaps it could otherwise receive it, all the information indicated as desirable by the resolution referred to.

In the State of Maryland there are 71 Assistant Subdivisions. Returns have been received from twenty-three, and all are now due. Within twenty-four hours of the time of receiving the last return from Maryland, I can furnish you with the population returns of the State of Maryland for the use of the Convention.

I have the honor to be sir, very respectfully your obdt servt.

JOS. C. G. KENNEDY,
Superintendent of Census.

Which was read and laid on the table.

The President also laid before the Convention a report from the clerk to the commissioners of Cecil county, in compliance with the order of the Convention of the 15th inst.

Which was read. Also,

A report from the clerk of Frederick county court, stating that the order of the Convention of the 15th inst., could not be reached without a heavy expenditure of time and labor,

and asking to whom he is to look for compensation, whether the State or county.

Which was read and laid on the table.

The President also laid before the Convention, a communication from the commissioner of Lotteries, stating that as soon as the final reports of the contractors are made to their office, of the proceeds from Lotteries for the present year and the proper calculation can be made, they will take pleasure in furnishing all the information required by the Convention in their order of the 19th inst.

Which was read and laid on the table.

On motion of Mr. Gwinn,

The Convention resumed the consideration of the unfinished business of yesterday, being the report submitted by Mr. Jenifer, chairman of the committee appointed to enquire and report what method would be most expedient to bring before the Convention, the forms and provisions of a new constitution.

Mr. Neill, moved that the committee authorised by the 4th resolution, shall consist of "thirteen ;"

Mr. Michael Newcomer, moved that the committee shall consist of "nineteen ;"

Determined in the negative.

The question then recurred and was put on the motion of Mr. Neill, that the committee consist of "thirteen ;" and

Determined in the affirmative.

Mr. Gwinn, moved as a substitute for the 15th resolution in said report, the following :

"Ordered, That the propositions relating to representation, and to the divisions of the State into election districts, shall be referred to a committee of the whole ;"

Which was read.

Mr. McHenry, moved to amend said substitute by striking out from the word "districts," to the end thereof, and inserting in lieu thereof, the following :

"Shall be considered in committee of the whole, before being referred to the standing committee to be appointed on these subjects ;"

Which amendment was accepted by Mr. Gwinn ;

The question was then put,

"Will the Convention adopt the substitute as amended ?"

Determined in the negative.

On motion of Mr. Brown,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs. Sellman,	Sappington,	Newcomer, Michael
Buchanan,	Stephenson,	Brewer,
Bell,	McHenry,	Anderson,
Welsh,	Nelson,	Weber
Chandler,	Thawley,	Hollyday,
Ridgely,	Stewart, of Caroline,	Slicer,

Lloyd,	Gwinn,	Ege,
Dickinson,	Stewart, of Balt. city,	Cockey,
Shriver,	Ware,	Parke,
Johnson,	Newcomer, John	Brown—32.
Gaither,	Harbine,	

NEGATIVE.

Messrs. Morgan,	Dashiell,	Grason,
Blakistone,	Williams,	Dirickson,
Ricaud,	Hicks,	McMaster,
Donaldson,	Hodson,	Hearn,
Dorsey,	Goldsborough,	Jacobs,
Wells,	Eccleston,	Hardcastle,
Randall,	Chambers, of Cecil,	Schley,
Kent,	McCullough,	Fiery,
Weems,	Miller,	Neill,
Bond,	McLane,	Kilgour,
Brent, of Charles,	Bowie,	Waters,
Dennis, John	Sprigg,	Fitzpatrick,
Dennis, James U.	McCubbin,	Smith—40.
Crisfield,		

So the substitute was rejected.

Mr. Gwinn, then offered as a substitute for the 15th resolution, the following :

“Resolved, That all propositions relating to representation and the division of the State into election districts, be referred to a committee of nine, three to be taken from each Gubernatorial District;”

Which was read ;

On the question being put,

“Will the Convention accept said substitute?” it was Determined in the affirmative.

On motion of Mr. Stewart, of Baltimore city,
The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs. Donaldson	Johnson	Hardcastle
Sellman	Gaither	Newcomer, Michael
Buchanan	Sappington	Brewer
Bell	Stephenson	Anderson
Welsh	McHenry	Weber
Chandler	Nelson	Hollyday
Ridgely	Gwinn	Slicer
Lloyd	Stewart, of Balt. city,	Fitzpatrick
Dickinson	Ware	Ege
Chambers, of Cecil,	Schley	Parke
Miller	Fiery	Cockey
McLane	Neill	Showrer
Grason	Newcomer, John	Brown—39.
Shriver		

NEGATIVE.

Messrs.	Dennis, John	McCubbin
Chapman, Pres't.	Dennis, James U.	Dirickson
Morgan,	Crisfield	McMaster
Blakistone	Dashiell	Hearn
Ricaud	Williams	Jacobs
Dorsey	Hicks	Thawley
Wells	Hodson	Stewart, of Caroline,
Randall	Goldsborough	Hardcastle
Kent	Eccleston	Kilgour
Weems	McCullough	Waters
Bond	Bowie	Smith—34
Brent, of Charles,	Sprigg	

So the substitute was accepted.

The question then recurred and was put on assenting to the resolution; and

Determined in the affirmative.

On motion of Mr. Smith,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.

Messrs. Donaldson	Grason	Newcomer, John
Sellman	Shriver	Harbine
Buchanan	Johnson	Newcomer, Michael
Bell	Gaither	Brewer
Welsh	Sappington	Anderson
Chandler	Stephenson	Weber
Ridgely	McHenry	Slicer
Lloyd	Nelson	Fitzpatrick
Dickinson	Gwinn	Ege
Crisfield	Stewart of Balt. city,	Cockey
Eccleston	Ware	Parke
Chambers, of Cecil,	Schley	Shower
Miller	Fiery	Brown—41.
McLane	Neill	

NEGATIVE.

Messrs.	Dennis, John	Dirickson
Chapman, Pres't.,	Dennis, James U.	McMaster
Blakistone	Dashiell	Hearn
Ricaud	Williams	Jacobs
Dorsey	Hicks	Thawley
Wells	Hodson	Stewart, of Caroline,
Randall	Goldsborough	Hardcastle
Kent	McCullough	Kilgour
Weems	Bowie	Waters
Bond	Sprigg	Smith—31.
Brent, of Charles	McCubbin	

So the resolution was adopted in place of the 15th resolution.

On motion of Mr. Ricaud,

The Convention adjourned until to-morrow morning, 12 o'clock.

FRIDAY, November 22nd, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Wells, chairman of the committee on Accounts, submitted the following Report :

The committee on Accounts, respectfully report that they have carefully examined various accounts amounting in all to the sum of \$2,747 23½, incurred in fitting up and repairing the Hall of the House of Delegates for the reception of the Convention, for which vouchers are herewith filed, and unanimously recommend the adoption of the following resolution.

G. WELLS,
W. WILLIAMS,
EDWARD LLOYD,
ALEX. NEILL, JR.,
ELIAS WARE, JR.,
Com. of Accounts.

November 22, 1850.

Resolved, That the Treasurer pay on the order of the President of this Convention, in favor of the persons entitled to receive the same, the amount of expenses incurred in preparing the Hall of the House of Delegates for the accommodation of the Convention, in compliance with an order of the House of Delegates, passed on the fourth of March last,

Which was twice read, the report concurred in and the resolution therein contained assented to.

Mr. Johnson, submitted the following order :

Ordered, That the committee on Education, when appointed, enquire into the expediency of reporting a plan which shall require every elector in the State to pay annually in the county treasury, Howard district, or in the city treasury of Baltimore, (in which county, district or city he may reside,) before voting; which sum shall be applied to the support of free school education in the county or district in which it may be paid, or in the city of Baltimore, as the case may be.

Mr. James U. Dennis, submitted the following resolution :

Resolved, That the Governor be and he is hereby requested to furnish this Convention—

1st. The number of persons convicted of criminal offences for the years 1845-'46-'47-'48-'49-'50—the offence in each instance, and the place of conviction.

2nd. In how many cases a nolle prosequi has been entered, in each of said years—specifying the offence—and in what court.

3rd. The number of applications for pardons in each of said years, from whence and of what offence the party was convicted.

4th. The number of pardons granted—of what offence the party was convicted, and in what court.

Which was twice read and adopted.

Mr. Smith, offered the following resolution :

Resolved, That the Treasurer be requested to furnish this Convention, at as early a time as practicable, the amount of Free School Fund annually distributed to each county of the State, the amount of the Common School Fund to each county; and, also, the amount annually paid to each academy and college;

Which was twice read and adopted.

Mr. Sprigg, submitted the following resolution :

Resolved, That the Governor of Maryland be respectfully requested to furnish to this Convention a true copy of the certified returns made to the State Department, by the clerks of the several counties of this State, and of the city of Baltimore, as directed by the 2nd section of the act entitled, "An act to provide for taking the sense of the people upon the expediency of calling a Convention to frame a new constitution and form of government for this State, and to provide for the election of delegates to such Convention," passed at December session 1849.

Which was twice read and adopted.

Mr. Ridgely, submitted the following resolution :

Resolved, That it be referred to the committee on the Judiciary, to enquire into the propriety, in the arrangement of Judicial districts, to separate all that part of Baltimore county, not included within the limits of the city of Baltimore, from the said city of Baltimore, and to erect said county into a distinctive Judicial district, with one or more adjoining counties, and that for the purpose of fixing permanently the seat of justice of Baltimore county thereafter, to provide that an election be holden throughout the county by the qualified voters at large, without reference to districts, on the day set apart by the constitution for the first election of delegates to the General Assembly, which election shall be conducted in all respects according to the existing laws relating to elections; at which time, the qualified voters shall vote for such place as they may see proper for the seat of justice. The returns of said election to be transmitted to the county commissioners of said county within three days thereafter; if either place voted for, shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of justice of said county; but in case neither place voted for shall have a majority of the whole number of votes given, then the commissioners of said county shall cause twenty days notice, exclusive of the day on which said notice is issued and the day of election, for an election to be held in the same manner, between the two places having the highest number of votes at the first election. The election to be conducted in the same manner as at the first, and the returns to be made in likewise to the county commissioners, and the place having the highest number of votes, cast at said last election, shall be the county seat.

Which was twice read and adopted.

Mr. Johnson, submitted the following order :

Ordered, That the committee on the basis of Representation

of the General Assembly, when appointed, enquire into the propriety of recommending some principle of representation to govern both Houses; that they examine the propriety of recommending representation upon the basis of the white inhabitants, the mixed federal basis and the basis upon the assessment of the value of property; and also, that they examine the propriety of so arranging the State into election districts, that each district shall elect but one member to the House of Delegates, and also upon the propriety of so arranging the electoral districts, that one district shall elect but one member to the Senate.

Which was twice read and adopted.

Mr. Harbine submitted the following resolution :

Resolved, That the committee on Representation and the apportionment thereof in the Legislature, when appointed, enquire into the expediency of providing for a less numerous representation in the Legislature than exists under the present system.

Which was twice read and adopted.

Mr. McHenry, submitted the following resolutions :

1. Resolved that the Legislative Department of our State government should be so assimilated to the Congress of the United States, that the popular branch fairly represent permanent population, in federal numbers, according to the single district system; while the senate, consisting of one member from each county and separately organized city, constitute an equal division of territorial divisions.

2. Resolved, That the organization of three new counties, to be composed of parts of those counties now having the greatest population and most extensive territory, should be decreed by this convention; while provision should by this body be made for the future division into two, by the consent of the people thereof, of any county or city, becoming entitled to more than double the number of representatives in the popular branch, which the smallest county or city may then possess.

3. Resolved, That the Legislature should be restricted from enacting any other than such general laws, applicable to the whole State, as may be necessary to carry into execution the powers vested by the constitution, about to be framed in the State government, or in any department or office thereof.

Which was read, and

On motion of Mr. Sprigg,

Laid on the table.

Mr. Sherwood of Balt. city, submitted the following order :

Ordered, That the committee on Corporations, take into consideration and report on the propriety of prohibiting the issue and circulation of all Bank notes under the denomination of five dollars.

Which was read.

Mr. John Newcomer, moved that said order be laid on the table.

Determined in the negative.

The question then recurred and was put on the adoption of the order, and

Determined in the affirmative.

Mr. Sherwood of Balt. city, moved that the committee authorized to be appointed under the 14th Resolve, inquire into the expediency of abolishing all laws authorising imprisonment for debt.

Mr. Kilgour, offered as a substitute for said motion the following:

Resolved, That the committee to be appointed to consider and report such provisions as are not embraced in the duties of the other standing committees of this Convention, be instructed to inquire into the expediency of reporting a provision for the new constitution, abolishing imprisonment for debt.

Which was read.

Mr. Ridgely, moved to amend said substitute by striking out these words, "enquire into the expediency of reporting," and inserting in lieu thereof, "report."

Determined in the negative.

The question was then put on the adoption of the substitute, and

Determined in the negative.

The question then recurred, and was put on the motion of Mr. Sherwood, of Balt. city, and

Determined in the affirmative.

The Convention then proceeded to the consideration of the order of the day, being the report submitted by Mr. Stewart, of Balt. city, chairman of the committee on Reporting and Printing, on the 20th inst., in relation to the reporting of the debates and proceedings of the Convention.

After debate thereon, and

At half past 3 o'clock, P. M.,

On motion of Mr. Grason,

The Convention adjourned until to-morrow morning 12 o'clock.

SATURDAY, November 23rd, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention a communication from the Treasurer of the State, covering a statement of all the payments which have been made from 1st January 1838, to this date, for legal services, other than the allowances to Deputy Attorney Generals of 5 per cent. commissions on

monies collected by them in courts of the State, in obedience to the order of the Convention of the 20th inst.

Which was read, and

On motion of Mr. Ricaud,

Referred to the committee to be appointed on the office of the Attorney General.

On motion of Mr. Brown,

Said report was ordered to be printed.

The President also laid before the Convention a report from the clerk of the court of Appeals for the Western Shore, relative to the number of contested causes decided, opinions delivered in the same class of appeals, &c., made in obedience to the orders of the Convention of the 18th and 19th insts.

Which was read, and

On motion of Mr. Gwinn,

Referred to the committee on the Judiciary hereafter to be appointed.

The President also laid before the Convention, a communication from the Mayor of the city of Baltimore, in accordance with the order of the Convention of the 15th inst., relative to the aggregate amount of the last assessment (1847) of property in the city of Baltimore, for city purposes.

Which was read and laid on the table.

The President also laid before the Convention a report from the clerk of the levy court of Queen Anne's county and a report from the clerk of Commissioners of tax of Howard District in obedience to the order of the Convention of the 15th inst.

Which were read and severally laid on the table.

Mr. Gwinn, submitted the following resolution.

Which was twice read and adopted.

Resolved, That his Excellency, the Governor, in addition to the information already asked for on this subject, be requested to state to this Convention, what number of pardons and nolle prosequis have been granted since the year 1832, classifying them according to the gubernatorial terms in which they were granted.

Mr. Bell, submitted the following order :

Which was twice read and adopted.

Ordered, That the committee on the Treasury Department be instructed to enquire into the expediency of incorporating in the constitution a clause prohibiting the legislature from creating debts, appropriating the public funds for works of Internal Improvements, or other objects not connected with a strictly economical administration of the State government, unless first publishing the amount of debt to be created, and the object or objects for which appropriated, at least three months preceding the next ensuing election, in one or more papers in each county in the State and one in the city of Baltimore, that the freemen throughout the State may cast their votes for or against such debt or appropriation advisedly

Mr. Presstman, submitted the following order :

Which was twice read and adopted.

Ordered, That the committee on the judiciary be instructed to consider, in the organization of the Judicial Department, the expediency of abolishing the Baltimore city court, as established under an act of the General Assembly of Maryland; and to provide for the administration of the Criminal Law in that city, by dividing the duties heretofore imposed upon that Court, by the establishment of a Police court, for the trial of minor offences, with a view to a speedy trial and conviction of the guilty, and acquittal of the innocent, without unnecessary delay and expense, and by the establishment of a court for the trial of offences of a higher grade by a court competent, by their learning and integrity, to decide upon the rights and responsibilities of the people in a manner worthy of the dignity and honor of the State.

Mr. Hicks, submitted the following order :

Ordered, That when this Convention adjourn, it adjourn to ten o'clock on Monday, and that ten o'clock be the hour of meeting until otherwise ordered.

Which was read.

Mr. McMaster, offered as a substitute for said order the following :

Ordered, That from and after Tuesday the 26th inst, that this Convention meet at 11 o'clock, A. M., until further ordered.

Which was read.

On the question being put, "will the Convention accept the substitute?" it was

Determined in the affirmative.

The said order was then adopted.

Mr. Ege, submitted the following order :

Ordered, That the committee to be appointed on the Legislative Department of Government, be requested to consider and report to this Convention the propriety of adopting restrictive and define powers on this branch of government, so that in no future time, shall the Legislature by implication or contract, or in any way create any public debt, without the consent of the people of the State through the ballot box; *and further*, that said committee be requested also to consider and report to this Convention the expediency of forever restricting the Legislature against chartering any Bank or Corporation whose issues or indebtedness shall not be collectable from and off all stockholders, agents, clerks and officers, in any way connected with said Corporations after default has been made on their obligations.

Which was twice read and adopted.

Mr. Stephenson, submitted the following order :

Ordered, That the committee on the Legislative Department when appointed, enquire into the expediency of inserting in the constitution about to be framed, a clause making it obligatory on the Legislature at its first session after the adoption of the new constitution, to appoint commissioners, whose duty it shall be to reduce into a written and systematic form or code the whole body of the statute laws in force in this State.

Which was twice read and adopted.

Mr. Smith, submitted the following resolution :

Resolved, That the Treasurer be requested to report to this Convention, at his convenience, the amount of the School Fund, how invested, and a brief history of the origin and increase of the fund, and a reference to the several laws authorising its distribution, that he be also requested to report the number of academies participating in the distribution of the public money, since the creation of the fund, and the aggregate number of pupils instructed in each year.

Which was twice read and adopted.

Mr. Sprigg, submitted the following resolution :

Resolved, That every free white male citizen of this State above 21 years of age, who shall have been a citizen for 6 months, and an inhabitant of this State one whole year, and for the last six months a resident of the county or the city where he may offer his vote, and none other, shall be entitled to vote in the election district or ward of the county or city, as the case may be, of which he shall have been an actual resident for and during the last preceding sixty days, for Electors of President and Vice President of the United States, for Representatives of this State in the Congress of the United States, for Delegates to the General Assembly, and all civil officers that now are, or may hereafter be, elective by the people, shall be referred to the committee on the Elective Franchise when that committee shall be appointed.

Which was twice read and adopted.

Mr. Schley, submitted the following resolution :

Resolved, That the committee on the Judiciary, consider the propriety of the following propositions :

The abolition of the High Court of Chancery;

The abolition of the present mode of taking testimony in equity causes, and the substitution of oral testimony to be taken before the Equity Judge who shall hear the particular cause;

Of providing inferior tribunals, of uniform jurisdiction;

Of exempting a reasonable amount of the property real or personal, or both, of any debtor from seizure or sale, for the payment of any debt or liability hereafter contracted;

Of the appointment of one or more commissioners, whose duty it shall be to enquire into, revise and simplify the rules of practice, pleadings, forms and proceedings, and arrange a system adapted to the courts of record of this State, and report the same to the Legislature, subject to its modification and adoption.

Which was twice read and adopted.

On motion of Mr. Chandler, it was

Ordered, That the committee on the Judiciary, enquire into the propriety of providing a more speedy mode of collecting debts in the courts of law, and of avoiding the existing delays attendant upon proceedings at law.

On motion of Mr. Sappington, it was

Ordered, That the committee on the Legislature, enquire into the expediency of inserting in the constitution that no supplement

to an act or law shall be passed, but when an act or law shall require amendments or alterations, that the whole law shall be passed, and that the former act or law made null and void.

On motion of Mr. Ridgely, it was

Ordered, That the committee on the Public Debt, enquire into the expediency of engrafting upon the constitution a provision declaring the sinking fund, set apart for the extinguishment of the State debt, inviolate.

Mr. Schley, submitted the following resolution :

Which was twice read and adopted.

Resolved, That the committee on the Legislature consider the propriety of the following propositions:

1st. That no divorce shall be granted by the Legislature.

2nd. That every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

3rd. That all property, both real and personal of the wife, owned or claimed by her before marriage, and that acquired afterwards by gift, devise or descent, shall be her separate property.

4th. That private property shall not be taken for public use without just compensation.

Mr. Fiery submitted the following resolution :

Resolved, That the Executive of this State shall receive for his services a compensation to be established by law, which shall neither be increased nor diminished after his election, and during his continuance in office.

Which was read, and referred to the committee on the Executive.

Mr. Eccleston, submitted the following resolution,

Resolved, That a committee of three, be appointed by the Chair, to enquire and report what compensation should be paid to the officers of this convention.

Which was read.

Mr. Ricaud, offered as a substitute for said resolution the following :

Resolved, That the officers of this Convention be allowed the same compensation as similar officers are allowed in the House of Delegates of Maryland.

Which was read.

On the question being put, "will the Convention accept the substitute?" it was

Determined in the affirmative.

The question then recurred upon the adoption of the order;

Mr. Weber, moved that said order be referred to a committee of three.

Determined in the affirmative.

The President thereupon appointed Messrs. Eccleston, Ricaud and Weber, the Committee.

The convention then resumed the consideration of the order of the day, being the report submitted by Mr. Stewart, of Balt. city, chairman of the committee on Reporting and Printing, on the 20th inst., in relation to the reporting of the debates and proceedings of the Convention.

Mr. Blakistone, moved to amend said order by adding at the end of the 3rd order, the following proviso :

Provided, that the expense of Reporting and Printing referred to in the above orders, shall not exceed in the whole ten thousand dollars during the entire session of the Convention.

Which was read.

Mr. Dorsey, moved to amend said report by striking out the 1st and 2nd resolutions.

Pending these motions, and after debate thereon,

At 25 minutes of 4 o'clock P. M.

On motion of Mr. Johnson,

The Convention adjourned until Monday morning 12 o'clock.

MONDAY, November 25th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on Saturday.

Prayer by the Rev. Mr. Giffith.

The proceedings of Saturday were read.

The President announced the appointment of the following Standing Committees:

Which were read.

Committee to consider and report a Declaration of Rights.—Messrs. Dorsey, Williams, Biser, Blakistone, Parke, Hodson and Wright.

Committee to consider and report respecting the Executive Department.—Messrs. Grason, Sprigg, Jenifer, Bell, Goldsborough, Hearn and Hollyday.

Committee to consider and report respecting the Legislative Department.—Messrs. Johnson, Phelps, Presstman, Morgan, Kilgour, McCullough and Carter.

Committee to consider and report respecting the Judiciary Department, embracing Common Law Courts, Courts of Equity, Orphans Courts, Magistrates Courts and Justices of the Peace, and the mode of appointment, and tenure of office.—Messrs. Bowie, Thomas, Crisfield, Buchanan, Randall, Stewart, of Balt. city, Ricaud, Constable, Brent, of Charles, Spencer, Schley, Eccleston and Anderson.

Committee to consider and report respecting the Treasury Department.—Messrs. McLane, Donaldson, Nelson, Neill, Bowling, Sherwood, of Talbot, and Dashiell.

Committee to consider and report respecting the office of Attorney General and his Deputies.—Messrs. Shriver, Dalrymple, Brewer, Fiery, Miller, Cockey and Colston.

Committee to consider and report respecting the Appointment, Tenure of Office, duties and compensation of all Civil officers, not embraced in the duties of other Standing Committees.—Messrs. Tuck, Brent, of Balt. city, Dent, Weber, James U. Dennis, McHenry and Lee.

Committee to consider and report respecting the Elective Franchise.—Messrs. Chambers, of Kent, Brown, Hicks, Weems, Thawley, John Newcomer and Slicer.

Committee to consider and report respecting the regulation of Inspections.—Messrs. Sellman, Hopewell, Michael Newcomer, Fooks, Ware, Annan and Chambers, of Cecil.

Committee to consider and report respecting the power of the Legislature on Corporations, Municipal and others, and on the power of the Legislature to create debt.—Messrs. Wells, Ridgely, Dirickson, Stewart, of Caroline, Waters, Sherwood, of Balt. city, and Mitchell.

Committee to consider and report respecting Education.—Messrs. Smith, Davis, Magraw, McCubbin, Chandler, McMaster and George.

Committee to consider and report respecting the Militia and Military Affairs.—Messrs. Howard, Hearn, Shower, Bond, Dickinson, Stephenson and Schley.

Committee to consider and report respecting Future Amendments and Revisions of the Constitution.—Messrs. Sollers, Fitzpatrick, Jacobs, Sappington, Gaither, Hardcastle and Welsh.

Committee to consider and report such provisions proper to be embodied in a Constitution for the State, as are not embraced in the foregoing resolutions.—Messrs. Jenifer, McLane, Dorsey, Brent, of Balt. city, Blakistone, Johnson and Grason.

Committee to consider and report a proper basis of Representation in the two Houses of the General Assembly, and a proper apportionment of representation in the same.—Messrs. Merrick, Howard, Chambers, of Kent, Gwinn, Ege, Lloyd, John Dennis, Harbine and Kent.

Mr. Chandler, submitted the following preamble and resolution :

Whereas, His Excellency the Governor, has issued his proclamation calling on the people of this Commonwealth to observe the 28th day of the present month, as a day of thanksgiving, prayer, and praise to Almighty God, for the exalted blessings which we as a people enjoy ;

Therefore, Resolved, That this Convention dispense with its ordinary business on Thursday next, and that the President be requested to invite the Rev'd Mr. _____, to deliver a sermon appropriate to the occasion, in this House, at 3 o'clock on that day.

Which was read.

Mr. Stewart of Caroline, moved to amend said order by filling the blank therein with the name of the "Rev'd Dr. Richard Fuller, of Balt. city," and by adding at the end of said resolution the following, "and that the President appoint a committee of three to provide accommodations for the said Rev'd Dr. Richard Fuller, and to await on him on his arrival here."

Mr. Mitchell, moved to lay said resolution and amendment on the table.

Mr. Stewart of Caroline, moved that the question be taken by yeas and nays;

Which motion was not sustained.

The question was then put on laying the resolution and amendment on the table, and

Determined in the affirmative.

Mr. Bowie, from the majority of the committee, "appointed to examine the credentials and to enquire into the qualifications of the members elected to this Convention," submitted a report, accompanied with the following resolution :

Resolved, 'That the 6th, 30th and 32nd articles of the Bill of Rights are not applicable to the members of this body, and that all civil officers of this State, whether commissioned or not, who have resided within the limits of the State of Maryland for twelve months next preceding their election, are eligible to seats in this Convention.

Which was read, and

On motion of Mr. Bowie,

Ordered to be printed.

Mr. Eccleston, chairman of the committee, to which was referred the resolution in relation to fixing the compensation of the officers of the Convention, submitted the following report :

The committee to which was referred the resolution in relation to fixing the compensation of the officers of the Convention beg leave to report as follows ;

Resolved, That the per diem of the President shall be six dollars.

That the per diem of the Chief Secretary shall be six dollars.

That the per diem of the other officers shall be four dollars each.

That the per diem of the two Pages, shall be one dollar each, and that the committee on accounts fix the date at which the compensation of the officers shall commence.

All of which is respectfully submitted.

JOSEPH R. ECCLESTON,
WM. WEBER,
J. B. RICAUD.

Which was read.

The President announced that the hour had arrived for taking up the order of the day.

The Convention then resumed the consideration of the order of the day, being the report submitted on the 20th inst., by Mr. Stewart, of Balt. city, Chairman of the committee on Reporting and Printing in relation to the Debates and Proceedings of the Convention.

The question before the Convention being upon the motion of Mr. Blakistone to amend said order by adding at the end of the 3rd order the following proviso :

"Provided, that the expense of reporting and printing referred to in the above orders, shall not exceed in the whole ten thousand dollars during the entire session of the Convention."

Pending the motion, and after debate thereon;

Mr. Johnson, moved that the Convention take a recess until half past four o'clock, P. M.;

Determined in the negative.

Mr. Smith, moved for the yeas and nays.

Which motion was not sustained.

On motion of Mr. Donaldson,

The Convention adjourned until to-morrow morning 11 o'clock.

TUESDAY, November 26th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. James U. Dennis, submitted the following resolution:

Resolved, That in order to preserve the purity of the ballot-box, the committee to consider and report respecting the Elective Franchise, be directed to consider and report upon the expediency of a general registry law;

Which was twice read and adopted.

On motion of Mr. Ege, it was

Ordered, That the committee appointed on the judicial department of government, be requested to examine into and report to this Convention the propriety of so altering the mode of selecting jurors, that in no event can any partiality be shown in the selection of the same.

On motion of Mr. Hollyday, it was

Ordered, That the committee on the Elective Franchise, be instructed to inquire into the expediency of engrafting a provision in the Constitution, disfranchising forever any elector who may be convicted in due course of law of bribing, offering to bribe or receiving a bribe at any election, and also of disqualifying the person so offending from holding any office of profit or trust under the government of this State.

On motion of Mr. Hollyday, it was

Ordered, That the committee on the Legislative department be instructed to inquire into the expediency of engrafting upon the constitution a provision requiring that a tax should be imposed at the same time that any appropriation is made by the Legislature, for any works of internal improvement, and that no work of internal improve-

ment shall be undertaken by the State unless the tax imposed for that purpose shall first be collected and paid into the Treasury.

Mr. Fitzpatrick, submitted the following resolution :

Resolved, That the standing committee, No. 14, inquire into the expediency and propriety of establishing a Board of Public Works, to be elected by the people,—whose powers and duties shall be to make and control all works of improvement wherein the State is interested;

Which was twice read and adopted.

Mr. Fitzpatrick, submitted the following resolution :

Resolved, That the committee on the Judiciary, inquire into the expediency of reducing the number of judges in courts of law and equity in this State, and of holding an annual term of the supreme or appellate court in each county, Howard district, and Baltimore city, or in each judicial district of this State ;

Which was twice read and adopted.

Mr. Jacobs, submitted the following resolution :

Resolved, That the committee on the Legislative department inquire into the propriety of reporting a clause in the constitution which shall prohibit the Legislature from appropriating any monies out of the public Treasury, except for the legitimate expenses of the various departments of the government, until the State debt shall have been fully paid;

Which was twice read and adopted.

Mr. Jacobs, submitted the following resolution :

Resolved, That the committee on the Legislative department, inquire into the propriety of reporting a clause in the constitution, which shall from and after the payment of the State debt, require a distribution of the revenue of the works of internal improvement amongst the several counties and cities of this State, in the same ratio as by taxation they shall have contributed to the same;

Which was twice read and adopted.

On motion of Mr. Ware,

The Convention took up for consideration the report submitted by Mr. Eccleston, on yesterday, chairman of the committee to which was referred the resolution in relation to fixing the compensation of the officers of the Convention ;

Mr. Shriver, offered as a substitute for said resolution, the following :

Resolved, that the per diem of the President be five dollars, and usual mileage, as fixed by law.

Resolved, That the compensation of the secretary be five dollars per day, the assistant secretary, sergeant-at-arms, messenger, door-keepers, clerk to the committee on accounts, and committee clerks, be four dollars each per day ; the pages one dollar each per day,—and that the compensation of each of said officers, commence with the day of their respective appointments;

Which was read.

Mr. Schley, moved to amend said substitute by striking out the first resolution ;

Mr. Ricaud, moved to amend the report of the committee, by adding at the end of the 1st resolution, these words "including his per diem as a member ;"

Determined in the affirmative.

The question then recurred upon the amendment proposed by Mr. Schley, to the substitute offered by Mr. Shriver, "to strike out the 1st resolution ;"

Determined in the affirmative.

On motion of Mr. Schley,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs. Morgan	McCullough	Nelson
Blakistone	Miller	Carter
Dent	McLane	Stewart, of Caroline,
Hopewell	Bowie	Steward, of Balt.,
Sellman	Tuck	Sherwood, of Balt.
Dalrymple	Sprigg	Presstman
Bond	McCubbin	Ware
Jenifer	George	Schley
Buchanan	Dirickson	Fiery
Bell	McMaster	Newcomer, John
Welsh	Hearn	Brewer
Chandler	Jacobs	Hollyday
Ridgely	Gaither	Slicer
Lloyd	Sappington	Fitzpatrick
Dickinson	Stephenson	Smith
Colston	McHenry	Parke
John Dennis	Magraw	Brown—53.
Chambers, of Cecil,		

NEGATIVE.

Messrs Ricaud	Dashiell	Annan
Lee	Williams	Kilgour
Chambers, of Kent,	Hicks	Davis
Mitchell	Goldsbrough	Waters
Donaldson	Eccleston	Anderson
Wells	Wright	Weber
Kent	Shriver	Ege
Weems	Johnson	Shower—26.
Dennis, James U.	Biser	

So the amendment was adopted.

The question then recurred upon accepting the substitute as amended ;

Mr. Bowie, moved to amend said substitute, by striking out the words "and that the compensation of each of the said officers commence with the day of their respective appointments ;"

Determined in the affirmative.

On motion of Mr. Shriver,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs.	Welsh	Hearn
Morgan	Chandler	Jacobs
Blakistone	Ridgely	Carter
Dent	Hicks	Gwinn
Hopewell	Goldsborough	Stewart of Balt. city,
Ricaud	Eccleston	Sherwood, of Balt.
Lee	McCullough	Presstman
Chambers, of Kent,	Miller	Ware
Mitchell	Bowie	Kilgour
Donaldson	Sprigg	Davis
Wells	McCubbin	Waters
Sellman	Wright	Fitzpatrick
Weems	Dirickson	Smith
Buchanan	McMaster	Ege—41.

NEGATIVE.

Messrs. Kent	McLane	Stewart of Caroline,
Dalrymple	George	Schley
Bond	Shriver	Fiery
Bell	Johnson	Newcomer, John
Lloyd	Gaither	Brewer
Dickinson	Biser	Anderson
Colston	Annan	Weber
Dennis, John	Sappington	Hollyday
Dennis, James U.	Stephenson	Slicer
Dashiell	McHenry	Parke
Williams	Magraw	Shower
Chambers, of Cecil,	Nelson	Brown—36.

So the amendment was adopted.

The question then recurred upon accepting the substitute as amended.

Mr. Johnson, moved that the Convention proceed to the consideration of the order of the day ;

Mr. Bowie, moved that the order of the day be postponed until the question be taken on the adoption or rejection of the substitute ;

Determined in the affirmative.

Mr. Dirickson, then moved to amend said substitute by striking out in the 2nd line thereof, the word "five," and inserting in lieu thereof "four;"

Determined in the negative.

On motion of Mr. Dirickson,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs.	Chambers, of Cecil,	Stewart, of Caroline
Morgan	McCullough	Schley
Blakistone	Dirickson	Fiery
Dent	McMaster	Newcomer, John
Hopewell	Hearn	Kilgour
Sellman	Johnson	Brewer

Dalrymple	Stephenson	Slicer
Bond	McHenry	Parke
Lloyd	Magraw	Brown—28
Dashiell	Nelson	

NEGATIVE.

Messrs. Ricaud	Dennis, James U.	Biser
Lee	Williams	Annan
Chambers, of Kent,	Hicks	Sappington
Mitchell	Goldsborough	Carter
Donaldson	Eccleston	Stewart, of Balt. city
Wells	Miller	Sherwood, “ “
Kent	McLane	Presstman
Weems	Bowie	Ware
Jenifer	Tuck	Davis
Buchanan	Sprigg	Anderson
Bell	McCubbin	Weber
Welsh	George	Hollyday
Chandler	Wright	Fitzpatrick
Ridgely	Jacobs	Smith
Dickinson	Shriver	Ege
Colston	Gaither	Shower—49
Dennis, John		

So the Convention refused to strike out.

Mr. Brown, moved to amend said substitute by adding at the end thereof the following proviso :

“Provided, that the pay of said officers shall commence from the day of their appointment if they were present and ready to enter upon the duties of their respective offices, but if not present, then from the day they have or may present themselves here ready for duty.”

Determined in the negative.

On motion of Mr. Brown,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs. Dent	McLane	Carter
Sellman	George	Stewart, of Caro.,
Dalrymple	Dirickson	Schley
Bell	Shriver	Fiery
Welsh	Johnson	Newcomer, John
Chandler	Gaither	Brewer
Ridgely	Biser	Weber
Lloyd	Annan	Hollyday
Dickinson	Sappington	Slicer
Colston	Stephenson	Ege
Chambers, of Cecil,	McHenry	Parke
McCullough	Magraw	Shower
Miller	Nelson	Brown—39.

NEGATIVE.

Messrs. Morgan	Dennis, James U.	Hearn
Blakistone	Dashiell	Jacobs
Hopewell	Williams	Gwinn
Ricaud	Hicks	Stewart of Balt. city,
Lee	Goldsborough	Sherwood, of Balt.,
Mitchell	Eccleston	Presstman
Donaldson	Phelps	Ware
Wells	Bowie	Kilgour
Kent	Tuck	Davis
Weems	Sprigg	Waters
Bond	McCubbin	Anderson
Buchanan	Wright	Fitzpatrick
Dennis, John	McMaster	Smith—39.

So the amendment was rejected.

The question again recurred upon accepting the substitute;

Mr. Blakistone offered as a substitute for said substitute; the following :

“Resolved, That the officers of this Convention shall receive the compensation allowed to similar officers of the House of Delegates, at the last session of the Legislature.”

Which was read.

Mr. Tuck, moved that the report and substitutes be laid on the table.

Determined in the affirmative.

Mr. Presstman, submitted the following resolution :

Resolved, That the several committees on the Constitution be instructed to report by articles, such propositions as are to be submitted by them for the adoption or rejection of this body, and that no argumentative report or written explanation shall be made on any subject by said committees.

Which was read, and

On motion of Mr. Bowie, laid on the table.

The Convention then resumed the consideration of the order of the day, being the report submitted on the 20th inst., by Mr. Stewart of Balt. city, chairman of the committee on reporting and printing, in relation to the debates and proceedings of the Convention.

The question before the Convention being upon the motion of Mr. Blakistone, to amend said order by adding at the end of 3rd order, the following proviso :

“Provided, that the expense of reporting and printing referred to in the above orders, shall not exceed in the whole ten thousand dollars during the entire session of the Convention.”

On the question being put, “will the Convention adopt said amendment?” it was

Determined in the affirmative.

The question then recurred upon the amendment proposed by Mr. Dorsey, to strike out the 1st and 2nd orders, and

Determined in the affirmative.

On motion of Mr. Bowie,
The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.

Messrs. Lee	Chambers, of Cecil,	Nelson
Kent	McCullough	Carter
Weems	Miller	Stewart, of Caroline,
Dalrymple	McLane	Ware
Bond	McCubbin	Schley
Bell	Grason	Fiery
Welsh	George	Newcomer, John
Ridgely	Wright	Davis
Lloyd	Dirickson	Waters
Dickinson	McMaster	Brewer
Sherwood, of Talbot	Hearn	Weber
Colston	Jacobs	Slicer
Dennis, James U.	Shriver	Fitzpatrick
Dashiell	Gaither	Smith
Williams	Biser	Parke
Hicks	Annan	Shower
Eccleston	Sappington	Brown—53.
Phelps	Stephenson	

NEGATIVE.

Messrs.	Randall	McHenry
Chapman, Pres't.,	Sellman	Magraw
Morgan	Jenifer	Gwinn
Blakistone	Buchanan	Stewart of Balt. city,
Dent	Dennis, John	Sherwood, “ “
Hopewell	Goldsborough	Presstman
Ricaud	Bowie	Kilgour
Mitchell	Tuck	Anderson
Donaldson	Sprigg	Hollyday
Wells	Johnson	Ege—29.

So the amendment was adopted.

Mr. Tuck, then moved to amend the third order by inserting after the words “printing of,” in the 2nd line thereof, the following:

“1000 copies of the Journal of Proceedings in octavo form, each page to contain 1500 ems, or as nearly so as may be practicable, one copy to be laid on the members desk every morning, and the residue to be hereafter disposed of by the Convention, also for printing 120 copies of reports and such other matter as may be directed to be printed in Document form, and for printing 120 copies in bill form; of all such matter as may be directed to be so printed.

Ordered, That in making said contracts, the committee shall stipulate for paper of the same quality as that on which the Journal is printed, that the yeas and nays shall be printed in paragraphs, and the proceedings as closely as may be

practicable, and the documents to be printed with a heading of the substance thereof instead of title pages.

Which was read,

Mr. Kilgour, moved that the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, November 27th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention reports from the clerks of Dorchester and Queen Anne's counties;

Also, reports from the Registers of Wills of Kent, Allegany, and Dorchester counties, in obedience to the order of the Convention of the 15th inst.

Which were severally read and referred to the committee on the Judiciary.

The President also laid before the Convention a communication from Malcom W. Mearis, Esq., Census Marshal, containing a statement of the population of Baltimore city;

Also, reports from the Clerks to Commissioners of Tax for Dorchester and Washington counties, in obedience to the order of the Convention of the 15th inst.

Which were severally read and referred to the committee on Representation.

Mr. Brent, of Baltimore city, from the minority of the committee, "appointed to examine the credentials, and to inquire into the qualifications of the members elected to this Convention, submitted a report.

Which was read, and

On motion of Mr. Ridgely,

Five hundred copies ordered to be printed.

On motion of Mr. Chambers, of Kent,

Said reports were made the order of the day for Monday next, the 2nd December.

The following communication was received from His Excellency Governor Thomas, by the hands of John Nick Watkins, Esq., Secretary of State.

STATE DEPARTMENT, Annapolis, Md.,
November 27th, 1850.

To the President of the Convention :

Sir :—In obedience to the resolution of the Convention of the 22nd inst., I herewith transmit copies of the certified returns made to the State Department by the clerks of the several counties of the State, and of the city of Baltimore, as directed by the 2nd

section of the act entitled, "an act to provide for the taking of the sense of the people upon the expediency of calling a Convention, to frame a new Constitution and form of government for this State, and to provide for the election of delegates to such Convention," passed at the December session 1849.

I have the honor to be your obedient servant.

PHILIP F. THOMAS.

Which was read, and

On motion of Mr. Blakistone, laid on the table.

Mr. Phelps, submitted the following preamble and order :

Whereas, in the formation of a new Constitution and form of government, due regard should be paid to wholesome economy in the public expenditure.

And whereas, the continuation of Biennial sessions of the Legislature will save to the State from twenty-five to thirty thousand dollars annually; and whereas, Biennial sessions would greatly subserve the public interest by rendering our State policy more stable, and our laws more permanent; and whereas, the ascertained will of the people, when calmly and dispassionately expressed, upon any great question of State policy, is always entitled to the highest respect and consideration; and whereas, at the October election held in this State, in the year 1846, the sense of the people was taken upon this question in obedience to law, and out of 55,646 votes cast, there was declared to be 4,646 majority in favor of Biennial sessions of the General Assembly; and whereas, this Convention has no evidence before it, by petition or otherwise, of any adverse change of the popular sentiment upon this great question; and whereas, it is important that the committee upon the Legislative Department of the government should know the opinion of the Convention, upon this subject, that they may be the better prepared to conform their report, to the policy of this body upon the question,

Therefore, Ordered, That the committee upon the Legislative Department of the government, be, and they are hereby instructed, and directed to report in favor of Biennial sessions of the General Assembly of this State.

Which was read.

Mr. Biser, moved to amend said order by striking out the word "instructed" and inserting in lieu thereof, "inquire into the expediency;"

Mr. Tuck, moved to postpone said order and amendment until Tuesday next, the 3rd December.

Determined in the affirmative.

On motion of Mr. Chambers, of Kent, it was

Resolved, That when the Convention shall adjourn to day, it be adjourned until Friday morning 29th inst., at 12 o'clock, noon.

The Convention then resumed the consideration of the unfinished business of yesterday, being the report submitted on the 20th inst., by Mr Stewart, of Balt. city, chairman of the committee on Reporting and Printing, in relation to the debates and proceedings of the Convention.

The question before the Convention being upon the amendment offered by Mr. Tuck, on yesterday to the 3rd order.

On motion of Mr. Tuck,

Said amendment was amended by striking out the words "and debates."

Mr. Ridgely, moved to amend said amendment by striking out in the 1st line "1000" and inserting in lieu thereof "700;"

Determined in the affirmative.

On motion of Mr. Ridgely,

Said amendment was further amended by striking out "one," before the word "copy," and inserting the following: "five dating from the beginning of the session."

Mr. Blakistone, moved to postpone said report and amendments until Tuesday next;

Determined in the negative.

The question then recurred upon the amendment as amended;

Mr. Gwinn, moved to amend said amendment by striking out in the 5th line "120," and inserting in lieu thereof "500;"

Determined in the negative.

On motion of Mr. Tuck,

Said amendment was amended by adding at the end of the 1st resolution the following:

"One for each member, two for the Executive chamber, and the residue to be left in the State Library for preservation."

The question then recurred upon the amendment as amended, and

Determined in the affirmative.

The said report of the committee as amended was then adopted.

Mr. Tuck submitted the following order:

Ordered, That the committee on reporting and printing ascertain and report the cost per page for reporting the proceedings and debates of this Convention in quarto form, of the size and quantity of matter of the Congressional Globe, and also the cost per page for printing 300 copies of said proceedings and debates in that form, and the cost for every additional hundred copies, the person with whom the contract, if any may be made, also undertaking to publish the same in some established tri-weekly newspaper.

Determined in the negative.

On motion of Mr. Ridgely,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Kent, Sellman, Weems, Buchanan, Chandler, John Dennis, James U. Dennis, Dashiell, Phelps, Chambers, of Cecil, Miller, Tuck, Annan, McHenry, Magraw, Gwinn, Sherwood, of Balt. city, Kilgour, Anderson, Hollyday, Ege and Shower—33.

NEGATIVE.—Messrs. Dalrymple, Bond, Bell, Welsh, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Williams, Hicks, Eccleston, McLane, McCubbin, Grason, George, Wright, Dirickson, McMaster, Jacobs, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson, Carter, Stewart, of Caroline, Fiery, John Newcomer, Waters, Brewer, Weber, Slicer, Fitzpatrick, Parke and Brown—36.

So the order was rejected.

On motion of Mr. Blakistone,

The Convention resumed the consideration of the report submitted by Mr. Eccleston, on the 25th inst., in relation to fixing the compensation of the officers of the Convention.

The question before the Convention being on the substitute offered by Mr. Blakistone on yesterday, as a substitute for the substitute offered by Mr. Shriver, and the report of the committee.

Mr. Ricaud moved that the Convention adjourn;

Determined in the negative.

The question then recurred and was put "will the Convention accept the substitute as offered by Mr. Blakistone for the substitute proposed by Mr. Shriver?"

Determined in the negative.

Mr. Mitchell, moved that the Convention adjourn;

Determined in the negative.

The question then recurred upon the substitute as offered by Mr. Shriver.

Mr. Magraw, offered as a substitute for said substitute the following:

Resolved, That the per diem of the President of the Convention shall be four dollars; of each member of the Convention three dollars; of the Secretary four dollars; of the Assistant Secretary, Sergeant-at-Arms, Clerk to the committee of Claims, committee Clerks, Door-Keepers, and Post Master or Messenger, each three dollars.

Resolved, That the Committee on Printing are authorized and directed to employ competent reporters, and to contract for the printing of the proceedings and debates of the Convention, provided the cost of reporting and printing shall not exceed the sum which shall be ascertained by subtracting the amount of compensation allowed by the preceding resolution from the amount which would have arisen from allowing to each of the members and officers of the convention each four dollars per diem.

Resolved, That the pay of the two pages shall be one dollar each per diem.

Which was read.

On the question being put,

"Will the Convention accept said substitute?" it was

Determined in the negative.

The question again recurred upon the substitute as offered by Mr. Shriver;

On motion of Mr. Tuck,

Said substitute was amended, by adding after the words "per day," the following :

"And that the committee on Accounts fix the date at which the compensation shall commence ;"

The question then recurred upon the substitute as amended;

Mr. Kilgour, offered as a substitute for said substitute, the following:

"Resolved, That all the officers of this Convention receive four dollars a day, to commence from the beginning of the session, except the pages, who shall receive one dollar a day;"

Which was read.
 On the question being put,
 "Will the Convention accept the substitute?" it was
 Determined in the affirmative.
 The question then recurred and was put,
 "Will the Convention accept the substitute in place of the report
 of the committee ?
 Determined in the affirmative.
 The said resolution was then adopted.
 On motion of Mr. Mitchell,
 The Convention adjourned until Friday morning 12 o'clock.

FRIDAY, November 29th, 1850.

The Convention met pursuant to adjournment.
 Present the same members as on Wednesday.
 Prayer by the Rev. Mr. Griffith.
 The proceedings of Wednesday were read.
 Mr. McLane, submitted the following orders:
 Ordered, That the committee appointed "to consider and report
 respecting the Judiciary Department," take into consideration the
 expediency of organizing that department without the office of
 Chancellor, and consisting of courts composed of Judges for the
 counties and the city of Baltimore, possessing original common
 law and equity jurisdiction, and comprehending all business rela-
 ting to orphans and insolvents; also, of a court possessing appellate
 jurisdiction only, composed of five or three Judges, three from
 the Western and two from the Eastern Shore if composed of five,
 and two from the Western and one from the Eastern Shore if
 composed of three; giving to all the Judges a fixed salary, ade-
 quate to the employment of the best ability and experience, and
 prohibiting fees of office.

Also, that the said committee consider the expediency of provid-
 ing for the election, for a reasonable term of years, of the judges
 of the courts of original jurisdiction by the people of the county
 or counties, or the city of Baltimore, to which they would be
 respectively assigned; and for the election, also for a term of
 years, of the judges of the appellate court, by the people of the
 State at large; declaring all the said judges ineligible for re-elec-
 tion, and removable by the Executive and Legislature for misbe-
 haviour during their term of office.

2nd. Ordered, That the same committee consider the expedien-
 cy of electing, for a term of years, by the people in the counties
 and in the city of Baltimore, respectively, all justices of the peace
 and constables; and also the clerks and registers of the several
 courts of original jurisdiction, allowing them a fixed salary for
 their services, and requiring all the fees of their office to be paid
 into the treasury of the State.

3d. Ordered, That the same committee consider the best mode

of rendering the penal and criminal laws, both in regard to the character and grade of offence and degree of punishment, definite and precise; confiding to the court no greater discretion in prescribing the latter than would be unavoidable.

4th. Ordered, That the same committee consider the expediency of directing the Legislature to provide for a general revision of the statutes of the State,—to simplify suits and pleadings; to authorise the trial of causes by special juries; and to establish such regulations concerning the duties and compensation of attorneys and counsellors, as would ensure fidelity and purity in the profession, and properly guard the rights and interests of suitors.

Which were twice read and adopted.

On motion of Mr. Tuck, it was

Ordered, That the committee on the Judiciary Department consider the propriety of conferring upon the county courts, the appointment of justices of the peace, justices of the magistrates courts, constables and coroners.

The President laid before the Convention a communication from D. H. Hanlon, Esq., stating that the 14th standing rule of the Convention, recently adopted, excluded all persons from within the bar “except Members and Officers of the Convention,” and asking as a representative of the Press, permission to a seat within the bar.

Which was read

Mr. John Dennis, submitted the following resolution:

Resolved, That the President of this body, be authorised to invite and provide suitable accommodations for such Reporters as may desire seats upon the floor of this Hall.

Which was twice read and adopted.

On motion of Mr. Dent, it was

Ordered, That the committee on the Judiciary, enquire into the expediency of abolishing special pleading in the courts of law of this State.

Mr. Dent, submitted the following resolutions:

1st. Resolved, That the committee to consider and report respecting the elective franchise, inquire into the propriety of engrafting into the Constitution of Maryland, some provision restricting from future foreign immigrants to the State of Maryland, the right of suffrage, until they shall have been residents of said State for at least ten years after they shall have given notice to the proper authorities, of their intention to become citizens of the United States, and have been fully naturalized according to the laws of the United States.

2d. Resolved, That the committee to consider and report respecting the elective franchise, inquire into the propriety of engrafting into the Constitution of Maryland, some provision by which all voters who shall sell their votes, or otherwise dispose of them for pay or compensation, shall upon conviction of the same, be deprived of the privilege of voting at any election in the State for at least ten years after said conviction, and shall be forever disqualified to hold any office of profit or trust in this State;—and

that the same disabilities be applied to the parties giving the pay, bribe or compensation.

Which were read.

Mr. Sherwood, of Baltimore city, moved that the first resolution be laid on the table, determined in the negative.

On motion of Mr. Sherwood, of Baltimore city,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Bell, Welsh, Ridgely, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, Miller, George, Wright, Biser, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Sherwood, of Baltimore city, Ware, Fiery, John Newcomer, Kilgour, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Ege, Cockey, Shower—31.

NEGATIVE.—Messrs. Chapman, President, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Wells, Kent, Weems, Dalrymple, Bond, Lloyd, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, McLane, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, Gaither, and Annan—31.

The question then recurred and was put on adopting the 1st resolution, and

Determined in the affirmative.

The second resolution was then read the second time and adopted.

On motion of Mr. Mitchell, it was

Ordered, That the committee of Elective Franchise, inquire into the propriety of engrafting upon the constitution a provision to abolish the mode of voting by ballot, and substituting the viva voce.

Mr. Dashiell, submitted the following order :

Which was twice read and adopted.

Ordered, That the “committee to consider and report a proper basis of Representation in the two Houses of the General Assembly, and a proper apportionment of representation in the same,” be instructed to take into their consideration as matter properly to be considered in forming a basis of representation, the following questions :

1st. The sovereignty of the counties at the breaking up of the proprietary’s government.

2nd. Their political equality, recognized in the formation of the Convention of 1776, to frame a constitution and form of government for this State.

3rd. The confederation of the counties under compact of government in 1776.

4th. The basis of representation in the House of Delegates then adopted, being upon a “perfect equality; because of distinct county interest, without regard to difference in territory or population.”

5th. The liberal concession made by the smaller counties to the larger ones, and the city of Baltimore by the change of the constitution in 1836.

6th. The wisdom and policy of re-adopting the present apportionment of representation, because by so doing no county or city in the State is impaired in its powers, and no powers are in-

creased or diminished, and no county or city gains power at the expense or loss by a sister county.

Mr. Weber, submitted the following resolution:

Resolved that standing committee No. 14, inquire into the expediency of engrafting upon the constitution, a clause declaring that any citizen of the State who may hereafter fight a duel, send or accept a challenge, or act as a second in any duel, shall thereby be made ineligible to any office of profit, trust or honor in this State.

Which was twice read and adopted.

On motion of Mr. Stephenson, it was

Ordered, That the committee on Corporations inquire into and report upon the propriety of prohibiting the Legislature hereafter from passing any law, making the State part owner of the stock or property of any corporation.

Mr. Bell, submitted the following order,

Which was twice read and adopted.

Ordered, That for the purpose of introducing a more uniform system of public instruction, the committee on Education be instructed to inquire into the expediency of recommending the appointment of a State Superintendent of Public Schools, elected by the people; four county School commissioners; elected by the voters of each county, and three school committee men, to be elected by the voters of each school district, whose various duties shall be prescribed by law.

Mr. Tuck, submitted the following order:

Which was twice read and adopted.

Ordered, That the committee appointed on the 20th inst., upon the subject of reporting and printing, be denominated the committee on Printing, and that no matter (except the Journal,) shall be printed unless the printing thereof be recommended by said committee or ordered by the Convention.

The President laid before the Convention a report from the Clerk of Cecil county court.

Also, a report from the register of wills of St. Mary's county, in obedience to the order of the Convention of the 15th inst.;

Which were severally read and referred to the committee on the Judiciary.

Also, reports from the clerks to the commissioners of tax for Harford, Anne Arundel and Saint Mary's counties, in obedience to the order of the Convention of the 15th inst.;

Which were severally read and referred to the committee on Representation.

Mr. Chambers, of Kent, submitted the following resolution:

Resolved, That the President appoint a committee of twenty-one to consist of one member from each county and the city of Baltimore, to consider the propriety of expressing the sense of this Convention upon the adjustment measures passed at the last session of Congress, and the absolute necessity of maintaining and enforcing them in their integrity.

Which was twice read and unanimously adopted.

On motion of Mr. Tuck,

The Convention adjourned until to-morrow morning, 11 o'clock.

SATURDAY, November 30th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President announced the following committee of twenty-one, under the order adopted on yesterday, "to consider the propriety of expressing the sense of the Convention upon the adjustment measures passed at the last session of Congress, and the absolute necessity of maintaining and enforcing them in their integrity;"—Messrs. Chambers, of Kent, Hopewell, Randall, Weems, Merrick, Buchanan, Lloyd, John Dennis, Goldsborough, McLane, Tuck, Grason, Dirickson, Gaither, Magraw, Carter, Brent, of Balt. city, Fiery, Waters, Hollyday and Shower.

The President laid before the Convention a report from the Treasurer of the State, in obedience to the resolutions of the Convention of the 22nd and 23rd insts., in relation to free schools, and the annual donations of the State to Colleges, Academies and Schools.

Which was read, and referred to the committee on Education and ordered to be printed.

Mr. Randall, submitted the following order :

Ordered, That the committee to consider and report respecting "the appointment, tenure of office, &c., (No. 7) be instructed to inquire into the expediency of prohibiting any member of this Convention from holding or being elected to any office of trust or profit in this State after the adoption of the new constitution either entirely or for a term of years; and that they also inquire into the expediency of excepting from the operation of this disqualification, any member of this Convention, who may at the adoption of this new constitution, hold any office of trust or profit in this State, under the now existing constitution.

Which was twice read and

On the question being put, "will the Convention adopt said order?" it was

Determined in the affirmative.

On motion of Mr. Randall,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, President, Dent, Hopewell, Lee, Chambers, of Kent, Wells, Randall, Kent, Buchanan, Welsh, Lloyd, John Dennis, James U. Dennis, Williams, Hodson, Chamber of Cecil, Miller, McLane, Tuck, McCubbin, Bowling, Gaither, Annan, Carter, Gwinn, Fiery, John Newcomer, Kilgour, Weber, Hollyday and Cockey—31.

NEGATIVE.—Messrs. Weems, Bond, Dickinson, Sherwood, of Talbot, Colston, Dashiell, Goldsborough, Eccleston, Phelps, George, Wright, Dirickson, Fooks, Jacobs, Biser, Sappington, Stephenson, Nelson, Thawley, Sherwood, of Balt. city, Ware, Waters, Anderson, Slicer, Fitzpatrick, Ege and Shower—27.

So the order was adopted.

Mr. Stephenson submitted the following order :

Which was twice read and adopted.

Ordered, That the committee appointed "to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers," inquire into the expediency of making public defaulters ineligible to a seat in either House of the General Assembly, and to any office of trust or profit under this State, until they shall have accounted for, and paid over to the proper authorities all money for which they may be liable.

Mr. Gwinn, submitted the following order :

Which was twice read and adopted.

Ordered, That the committee on Corporations, and the Public Debt, inquire into the expediency of restricting the Legislature of the State from granting any act of incorporation to any association or company for the purpose of Banking or Insurance,—for the making and preservation of turnpike roads,—for the advancement of literature and science, or for benevolent purposes,—and of framing a general law under which all such associations or companies may be enrolled, and thus become entitled to the privileges of bodies corporate, according to the terms which the said act shall prescribe; and into the expediency of prohibiting the Legislature from afterwards enlarging the powers of any company or association so incorporated, or from anywise interfering with the rights and privileges so established, except by some general law applicable to all associations and companies so incorporated; and as to the limits proper to be imposed upon the Legislature in contributing in the name of the State, by way of gift or donation any sum or sums of money by way of loan or otherwise, to such associations or companies so becoming incorporated.

On motion of Mr. Carter, it was

Ordered, That standing committee No. 14, inquire into the expediency of engrafting upon the constitution an article prohibiting the foreclosure of mortgages on real estate in cases where the annual rents of said real estate, are sufficient to liquidate the debt in seven years.

Mr. Lee, submitted the following resolution :

Resolved, That the committee to consider and report respecting the Elective Franchise, inquire into the expediency of imposing a capitation tax qualification on each elector.

Which was twice read,

On the question being put, "will the Convention adopt said order?" it was

Determined in the negative.

Mr. Randall, submitted the following order :

Which was twice read and adopted.

Ordered, That the committee on the Judiciary inquire into the expediency of reporting a plan for the appointment of the Judges by a college of electors, to consist of the Senators and Delegates

representing at the time of the original appointment or vacancy, the city or counties composing the several Judicial districts within which those Judges respectively shall be required to perform their judicial duties.

Mr. Gwinn, submitted the following preamble and resolutions :

Whereas, doubts have arisen concerning the right of certain officers of the State government to hold seats in this Convention, by reason of prohibitions contained in the Constitution of the State, and Bill of Rights; and whereas, it is proper that this Convention as the sole Judge of the qualification of its members, should express its sense upon the questions so occurring.

Resolved, That the Legislature, in passing the act to take the sense of the people of the State as to the expediency of calling a Convention, exercised a power heretofore acknowledged in the adoption of the constitution of the United States by the State of Maryland, and pursued the only practicable mode of ascertaining the opinion of the people of the State as to the necessity of a change in the organic law.

Resolved, That the Legislature of the State, in prescribing the number of delegates to the said Convention, and in regulating the manner and time of their election, acted in the ordinary exercise of their legislative powers, as trustees of the public good, in order to ensure a regular and undisturbed exercise of the popular will : and that the members thereof do not hold any office created by the Legislature, but occupy their places by virtue of the assent of the people of this State to the calling of the said Convention, and by virtue of the trust in them reposed by the constituencies which they severally represent.

Resolved, That in the opinion of this Convention, the Constitution and Bill of Rights are not in anywise applicable to persons holding seats in this Body, otherwise than as the same may have been, by general terms of reference, incorporated in the act under the provisions of which this Convention was elected.

Resolved, That in the opinion of this Convention the people of this State possess an inalienable right to reform their organic law whenever they shall see fit to exercise the power: and that it is right and proper that opportunity should be afforded from time to time, by legislative provision, for ascertaining their will upon this subject.

Which was read and laid on the table.

On motion of Mr. John Newcomer, it was

Ordered, That the committee on the Legislative Department inquire into the expediency of fixing the compensation of the members of the Legislature at three dollars per day.

On motion of Mr. Stephenson, it was

Ordered, That the committee on Corporations inquire into the expediency of engrafting into the constitution an article prohibit-

ing the Legislature from passing any law sanctioning in any manner the suspension of specie payments by banks, or other joint stock company, issuing bank notes or other paper credits to circulate as money.

On motion of Mr. John Dennis,
The Convention adjourned until Monday morning 11 o'clock.

MONDAY, December 2d, 1850.

The Convention met pursuant to adjournment.

Present the same members as on Saturday.

Prayer by the Rev. Mr. Griffith.

The Proceedings of Saturday were read.

Mr. Biser, submitted the following orders:

Which were twice read and adopted.

Ordered, That the committee on the Legislative Department, inquire into the propriety of each county and the city of Baltimore, paying their own representatives in the legislature; and in case the State should be divided into Representative and Senatorial districts, then the propriety of each district paying said members from the treasury of the counties or city comprising said district.

Ordered, That the committee on the Judiciary, inquire into the expediency of each Judicial District paying their own Judges out of the treasury of the counties or the city of Baltimore, composing said Judicial District; and that the Judges of the Court of Appeals, be paid out of the State Treasury.

Mr. Wells, submitted the following order:

Which was twice read and adopted.

Ordered, That the committee appointed "to consider and report respecting the Treasury Department," consider the expediency of making constitutional provision for the appointment of the Treasurer of the State by a concurrent vote of both branches of the Legislature.

Mr. Carter, submitted the following resolution:

Resolved, That the committee on Education inquire into the expediency of inserting a clause in the constitution securing the present school fund that originates under the several acts, as a permanent and perpetual fund, for the establishment and encouragement of common schools throughout the State.

Which was twice read and adopted.

Mr. Stephenson, submitted the following order:

Ordered, That the committee appointed to consider and report respecting the Judiciary Department, inquire into the expediency

of providing for the passage of such laws by the legislature as may be necessary and proper for the settlement of differences by arbitration, when parties prefer that mode of trial.

Which was twice read and adopted.

Mr. Tuck, submitted the following order:

Which was twice read and adopted.

Ordered, That His Excellency, the Governor, be requested to furnish the Convention with a list of civil offices of Executive appointment, specifying the number of appointees to each class of offices.

Mr. Miller, submitted the following order:

Which was twice read and adopted.

Ordered, That the committee on the Judiciary Department, be instructed to inquire into the expediency of inserting a provision in the constitution declaring a verdict of damages, rendered by a jury in all courts of original jurisdiction, final and conclusive, unless legal cause other than that of excessive damages be shown for setting aside such verdict.

Mr. Shriver, submitted the following orders:

Ordered, That the Secretary to this Convention, request the Register of the city of Baltimore, the Clerks of the Commissioners of the Tax, and of the Levy Courts of the several counties of this State and Howard district, to furnish to this Convention statements of all fees and perquisites allowed or paid to the Attorney General and his Deputies, by their respective counties, Howard district, and the city of Baltimore, from the first of January 1838, to the present time.

Ordered, That the Treasurer of the State, be requested to furnish to this Convention a statement of all allowances and commissions made to the Attorney General and his Deputies, since the year 1837, and not heretofore reported to this Convention.

Which were severally read and adopted.

Mr. Miller, submitted the following order:

Which was twice read and adopted.

Ordered, That standing committee No. 14, be instructed to inquire into the propriety of reporting a constitutional provision, prohibiting any public authority or chartered corporation from taking possession of, or using private property, for any purpose whatsoever, until the amount of compensation agreed upon, or awarded by jury or otherwise, for the possession and use of such private property, shall have been first paid, or payment tendered to the party entitled to such compensation.

Mr. Weber, submitted the following order:

Which was twice read and adopted.

Ordered, That the committee on the Treasury Department, inquire into the expediency of erecting the office of Comptroller of the Treasury; and into the expediency of electing the Comptroller and Treasurer by the direct vote of the people of the State.

On motion of Mr. Wright, it was

Ordered, That the Executive committee be requested to take

into consideration the salary and future residence of the Executive of this State with a view to the sale of the Governor's House.

On motion of Mr. Fitzpatrick, it was

Ordered, That the committee on Corporations inquire into the expediency of engrafting on the constitution, a principle that in case of suspension, failure or insolvency of any Bank or Banking Association, the bill-holders thereof, shall be entitled to preference over all other creditors of such Bank or Association.

The President laid before the Convention, a report from the clerk of Frederick county court, in obedience to the order of the Convention of the 15th ultimo.

Which was read and referred to the committee on the Judiciary.

The President also, laid before the Convention a report from the clerk to the levy court of Frederick county, in obedience to the order of the Convention of the 15th ultimo;

Which was read and referred to the committee on Representation.

On motion of Mr. Fooks, it was

Ordered, That the committee to consider and report respecting the Elective Franchise, inquire into the expediency of requiring each voter before he votes at any election to make oath that he has not been, and will not be bribed at said election, and that he has not, and will not, in any way, directly or indirectly bribe or assist in bribing any voter at said election.

The hour having arrived for taking up the order of the day, the Convention proceeded to consider the report submitted by Mr. Bowie, from the majority of the committee appointed to examine the credentials, and to inquire into the qualifications of members of the Convention, and the report submitted by Mr. Brent, of Baltimore city, from the minority of said committee, as an amendment thereto.

Mr. Gwinn, then moved further to amend said reports from the majority and minority of the committee, by offering the preamble and resolutions submitted by him on Saturday the 30th ultimo, and which were laid on the table.

Mr. Tuck rose to a point of order, that the preamble and resolutions submitted by Mr. Gwinn, were irrelevant to the matter now before the Convention, and were therefore not in order.

The President decided the amendment was proper for the consideration of the Convention, for although he may be of opinion that the preamble and resolutions were irrelevant, yet it was for the members to decide that question for themselves when voting on the proposition, and might be a reason with members for its rejection.

The question then recurred upon the amendment as offered by Mr. Gwinn;

And after debate thereon, at 3 o'clock P. M.

On motion of Mr. Phelps,

The Convention adjourned until to-morrow morning 11 o'clock.

TUESDAY, December 3rd, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention a communication from A. L. Russell, Esquire, secretary to the Commonwealth of Pennsylvania, transmitting for the use of the Convention, a copy of the School Laws of Pennsylvania, and the last annual report of the Superintendent of Common Schools;

Which was read and referred to the committee on Education.

Mr. James U. Dennis, gave notice that on to-morrow he would move to reconsider the vote of the Convention upon the 1st and 2nd orders in the report of the committee on Printing, in relation to the debates and proceedings of the Convention, and which were stricken out of said report by a vote of the Convention of the 26th ultimo.

On motion of Mr. Kilgour, it was

Ordered, That the 14th standing committee be instructed to inquire into the expediency of reporting an article for the new constitution, securing an exemption of the homestead from execution in debt.

On motion of Mr. Hodson, it was

Ordered, That the 10th committee appointed "to consider and report respecting the power of the legislature on corporations, municipals, and others,—and on the power of the legislature to create debt," be requested to consider and report to this Convention the expediency of engrafting upon the constitution a provision that the legislature shall not create a debt, or order a tax to be levied for internal improvements, without first obtaining the consent of the people through the ballot box; and that any county, Howard district or the city of Baltimore, who may cast a majority of votes against the proposition, shall be exempt from all such debt or tax so proposed to be created or levied.

Mr. Sherwood, of Baltimore city, submitted the following order:

Ordered, That the clerks to the respective committees collect from the Journal such orders and resolutions as are referred for consideration, and record them for the information of the committees to which they are respectfully referred;

Which was read.

Mr. Ricaud, moved to amend said order by adding at the end thereof the following:

"And add thereto from day to day such further orders, &c., as may be referred by the Convention ;"

Which amendment was accepted by Mr. Sherwood, of Baltimore city;

The said order was then read as amended and adopted.

On motion of Mr. Biser,

The Convention resumed the consideration of the order of the

day, being the report submitted by Mr. Bowie, from the majority of the committee appointed to examine the credentials, and to inquire into the qualifications of members of the Convention, and the report submitted by Mr. Brent, of Baltimore city, the minority of said committee, as an amendment thereto.

Mr. Gwinn, moved that the resolution of the majority of the committee, be amended by inserting the 1st and 2nd resolutions offered by him on yesterday, to precede said resolution, and that the question be taken *secreatim*;

Determined in the affirmative.

The question was then put;

“Will the Convention assent to the 1st resolution?”

Determined in the negative.

Mr. Gwinn, moved for the yeas and nays;

Which motion was not sustained.

The question was then put on the 2nd resolution, and

Determined in the negative.

The question then recurred on the 3rd resolution; and

Determined in the negative.

Mr. Buchanan, moved for the yeas and nays;

Which motion was not sustained.

The question was then put on adopting the 4th resolution, and

Determined in the affirmative.

On motion of Mr. Biser,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Sellman, Buchanan, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Miller, McLane, Spencer, George, Wright, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, Magraw, Carter, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Ware, Michael Newcomer, Kilgour, Waters, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Ege, Cockey, Shower and Brown—40.

NEGATIVE.—Messrs. Chapman, President, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Dalrymple, Bond, Merrick, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, McHenry, Fiery, John Newcomer, and Davis—35.

So the amendment was adopted.

Mr. Brewer, moved that the Convention reconsider their vote just taken on said amendment;

Determined in the affirmative.

On motion of Mr. Gwinn,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Dalrymple, Bond, Merrick, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Bowling,

Spencer, George, Dirickson, McMaster, Fooks, McHenry, Magraw, Carter, Stewart, of Caroline, Fiery, John Newcomer, Davis, Waters, Brewer, and Smith.—42.

NEGATIVE.—Messrs. Sellman, Buchanan, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Miller, McLane, Wright, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Thawley, Hardcastle, Gwinn, Ware, Michael Newcomer, Kilgour, Anderson, Weber, Hollyday, Slicer, Ege, Shower and Brown—30.

So the Convention reconsidered their vote.

Mr. Gwinn, then withdrew his amendment.

The question then recurred upon the resolution offered by the minority of the committee for that of the majority;

Mr. Spencer, then moved as an amendment to the original resolution, to strike out all after the enacting clause, and insert the following:

Resolved, That the people of the State of Maryland have a sovereign and inherent right to alter, change or modify their form of government whenever to them it seems proper.

Resolved, That in the exercise of that right all the delegates sent by them to this Convention, to frame a new constitution, are entitled to seats in this body, whether they be Judges, or other Civil Officers or Ministers of the Gospel.

Which was read.

Mr. Tuck, rose to a point of order, that the amendment was not germane to the subject under consideration, and was therefore not in order;

The President decided the amendment to be in order.

The question again recurred upon the amendment as offered by Mr. Spencer;

Mr. Merrick, moved for a division of the question upon striking out;

On the question being put on striking out;

Mr. Ege, moved for the yeas and nays, which being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Miller, Spencer, George, Wright, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Stewart, of Caroline, Gwinn, Brent of Balt. city, Michael Newcomer, Brewer, Anderson, Hollyday, Fitzpatrick, Ege and Cockey—21.

NEGATIVE.—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Merrick, Buchanan, Bell, Dickinson, Sherwood, of Tal., Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, McLane, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Thawley, Hardcastle, Ware, Fiery, John Newcomer, Kilgour, Davis, Waters, Weber, Slicer, Smith, Shower and Brown—50.

So the Convention refused to strike out.

Mr. Brent, of Balt. city, then moved as an amendment to the original resolution, by adding at the end thereof, as an additional resolution, the following :

“Resolved, That the grounds and principles assumed in the majority report of the committee on credentials, are not approved or sustained by the judgment of this convention ;”

Which was read,

And after debate thereon,

At quarter past three o'clock, P. M.

Mr. Brent, of Balt. city, moved that the Convention adjourn; Determined in the negative.

At 25 minutes past 3 o'clock, P. M.,

Mr. Dirickson, moved that the Convention adjourn ; Determined in the negative.

The question then recurred and was put, upon the amendment as offered by Mr. Brent, of Balt. city ; and

Determined in the negative.

On motion of Mr. Brent, of Balt. city,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Lloyd, Dickinson, Sherwood, of Talbot, Eccleston, Miller, McLane, Spencer, George, Wright, Shriver, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Ware, Fiery, John Newcomer, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Ege and Cockey—36.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Merrick, Buchanan, Bell, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Phelps, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour, Davis, Waters, Smith, Shower and Brown—38.

So the amendment was rejected.

At 25 minutes of 4 o'clock,

On motion of Mr. Bowling,

The Convention adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, December 4th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Spencer, submitted the following resolution :

Resolved, That the committee on the Judiciary, be instructed to inquire into the expediency of incorporating the following articles in the Constitution :

1. That the Judges shall hold their commission for the term of ten years, removeable only, during said term, for misbehaviour, on conviction in a court of law, and re-eligible at the expiration of said term.

2. That the Court of Appeals shall be separate and distinct from the county courts, and shall consist of three Judges, one to be chosen from the Eastern Shore, and two from the Western Shore, which shall hold two terms annually at the city of , the first term to commence on the 1st Monday in June, and the second term on the 1st Monday in December.

3. That the State be divided into eight Judicial districts, exclusive of the city of Baltimore,—the 1st, to consist of the counties of Worcester, Somerset and Dorchester; the 2nd, of the counties of Caroline, Talbot and Queen Anne's; the 3rd, of the counties of Kent, Cecil and Harford; the 4th, of the counties of Allegany and Washington; the 5th, of the counties of Frederick and Montgomery; the 6th, of the counties of Baltimore and Carroll; the 7th, of the counties of Prince George's, Charles and St. Mary's; the 8th, of the counties of Calvert, Anne Arundel and Howard district—for each of which shall be chosen one county court Judge.

4. That the Judge of the said districts, in addition to the common law courts, shall be the Judge of the Orphans' court and Chancery court for each of said counties and that the Orphans' Court and Chancery court of said districts shall be incorporated into one court.

5. That there shall be one common law court for the city of Baltimore, to which shall be chosen one Judge, and one chancery and testamentary court, to which shall be appointed one Judge.

6. That special pleading be abolished in the common law courts, and that no testimony in the chancery courts, when witnesses are within the process of the court, shall be taken under a commission, but the same proceedings shall, in all respects, be had in taking testimony in said courts as is now practiced in the common law courts.

7. That a chancery sheriff be chosen for said chancery and orphans courts, whose duty it shall be to execute all process of said courts, under the direction of the Judges thereof.

Which was twice read and adopted.

Mr. Spencer, submitted the following resolution :

Resolved, That the committee on the Judiciary inquire into the expediency of incorporating in the constitution a test oath for al

persons elected to office under the constitution and laws of this State, and especially to provide therein, that such person has not either directly or indirectly offered or given, or procured to be offered or given any bribe or bribes to any voter or voters at any election, which has been held since the ratification of this constitution and further to provide in the test oath of the Grand Jurors of the counties, that they shall especially inquire into the cases of bribery in elections, which shall come to their knowledge, either directly or indirectly since the ratification of said constitution.

Which was twice read and adopted.

Mr. Michael Newcomer, submitted the following preamble and order :

Whereas, there has been much complaint among the people of the State, of a waste of time in our Legislative assemblies;—and whereas, the same complaint exists against this body;—and whereas, the waste of time results from the great number of speaking members;—and whereas, the speakers, generally are members of the legal profession,

Therefore, Ordered, That the committee on the Legislative Department inquire into the expediency of engrafting upon the constitution, that no county or city shall be privileged to send more than one lawyer, in any one year, to represent the people thereof in the General Assembly.

Which was twice read and adopted.

In accordance with the notice given on yesterday,

Mr. James U. Dennis, moved that the Convention reconsider their vote upon the 1st and 2nd orders in the report of the committee on Printing, in relation to the debates and proceedings of the Convention.

Mr. Ridgely, moved to lay said motion on the table.

Mr. James U. Dennis, then withdrew his motion to reconsider.

Mr. Ridgely, then gave notice that on to-morrow, he would move to reconsider the vote of the Convention upon the 1st and 2nd orders in the report of the committee on Printing, in relation to the debates and proceedings of the Convention.

Mr. Jacobs submitted the following orders:

Which were twice read and adopted.

1st. Ordered, That a select committee of seven be appointed by the President, whose duty it shall be to report on all matters and subjects in any way connected with the free negro or mulatto population of our State; and that amongst other things they inquire and report the actual numbers thereof in the State, at the several census of the United States, down to and including that now being returned; their annual increase; the numbers that have been colonized in Africa; the amount of colonization taxes, and to what purposes applied, together with all laws or statutes peculiarly applicable to said free negro and mulatto population.

2nd. Ordered, That said committee submit to this Convention some prospective plan, looking to the riddance of this State, of the free negro and mulatto population thereof, and their colonization in Africa.

Mr. Sprigg, submitted the following resolution:

Resolved, That the committee on the Legislative Department of the Government inquire into the expediency of engrafting in that branch of the constitution, a clause prohibiting the legislature from passing any law affecting the existing relation of master and slave in this State.

Which was twice read and adopted.

On motion of Mr. Smith, it was

Ordered, That the committee on the Legislative Department, inquire into the expediency of holding annual sessions of the General Assembly, restricting the session to thirty days, fixing the per diem of members at three dollars and allowing one half the present itinerant charges.

On motion of Mr. McMaster, it was

Ordered, That standing committee No. 7, inquire into the expediency of providing for the election of members of the State Senate for the term of four years, and members of the House of Delegates for the term of two years; that the Legislature shall convene but once in two years, unless for special reasons, convened by proclamation of the Governor; that the members shall receive a daily compensation to be fixed by law, but that no member shall receive compensation for more than sixty days of any one session, which compensation shall not be increased so as to take effect during their continuance in office.

On motion of Mr. Ege, it was

Ordered, That the committee on the Judiciary be requested to inquire into the propriety of making all judicial offices in this State, offices of fixed salaries, and that no fees or perquisites of any kind shall be allowed.

Mr. Davis submitted the following order:

Which was twice read and adopted.

Ordered, That the select committee of seven just raised, be instructed to inquire into the expediency of providing by constitutional enactment for a moderate tax upon free negroes, the same to be applied to the use of the Colonization Society of this State.

Mr. Ridgely, submitted the following resolution :

Resolved, That the committee on the Judiciary, consider the expediency of re-organizing the local district or magistrates courts, or of establishing some tribunal between the county courts and the magistracy, to which a reasonable jurisdiction in civil actions shall be assigned, and which shall have exclusive cognizance in assaults and battery, ordinary breaches of the peace, petty misdemeanors, and in appeals from the judgment of single justices.

Which was twice read and adopted.

Mr. John Newcomer submitted the following order:

Ordered, That the Convention take a recess from Friday the 6th instant, to Monday the 30th December, instant, and that no member or officer of this Convention shall be entitled to any per diem during the recess.

Which was read, and

On motion of Mr. Brown,
Laid on the table.

Mr. McHenry submitted the following order:

Ordered, That the committee "to consider and report a Declaration of Rights," inquire into the expediency of embodying the following features in said declaration:

1st. An enumeration of the more prominent rights of men—embracing freedom of thought, speech and action, restricted only by the equal rights of others, the laws of morality and covenants expressed or implied, of the political and social compacts under which they may live; also the acquisition, enjoyment and free transmission of property, limited only by the same laws and compacts.

2nd. A definition of the proper nature, powers and functions of government, as being confined to the protection of rights, and the prevention or punishment of wrongs, by such means as will least fetter individual liberty.

3rd. A concise description of the requisites for and attributes of citizenship in Maryland, together with a comprehensive assertion of the absolute equality, in rights, privileges and the eye of the law of each and every citizen.

4th. A classification of the inhabitants of Maryland, not citizens thereof, together with a brief, but distinct exposition of the relations of these classes to each other and to citizens—and a recognition of the justice, morality and expediency of these relations.

5th. An acknowledgement of the impropriety of the concentration of even the necessary powers of government in a few hands, and of the indispensableness of guarding against usurpation by so constituting the different departments and functionaries, that these shall serve as checks and balances to each other.

6th. A recognition of the right of children, likely to become citizens, to receive, and of the duty of the community to provide that they shall receive such instruction and guidance as shall fit them for the due enjoyment of the privileges and performance of the obligations of citizens.

7th. An acknowledgement of the duty of the commonwealth to provide for the maintainance and care of the destitute and afflicted.

Which was read and adopted.

The President laid before the Convention reports from the clerks of Howard district, of Anne Arundel county, Harford county, and the register of wills of Charles county, in compliance with the order of the Convention of the 15th ult.;

Which were severally read and referred to the committee on the Judiciary.

The President also laid before the Convention a report from the clerk to the commissioners of tax for Charles county, in obedience to the order of the Convention of the 15th ult.

Which was read and referred to the committee on Representation.

The Convention then resumed the consideration of the order of the day, being the resolution submitted by Mr. Bowie, from the majority of the committee appointed to examine the credentials and to inquire into the qualifications of members of the Convention, and the resolution submitted by Mr. Brent, of Baltimore city, the minority of said committee, as an amendment thereto.

Mr. Donaldson moved to amend the resolution of the majority of the committee by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That all civil officers of the State, whether commissioned or not, who have resided within the State of Maryland, for twelve months next preceding their election, are eligible to seats in this Convention;

Which was read.

And after debate thereon, at 3 o'clock P. M.;

On motion of Mr. Tuck,

The Convention adjourned until to morrow morning 11 o'clock.

THURSDAY, December 5th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention a report from the clerk of Anne Arundel county court, in compliance with the order of the Convention of the 15th ult.;

Which was read and referred to the committee on the Judiciary.

Mr. Sellman submitted the following order:

Ordered, That the committee on the Legislative Department be directed to inquire into the expediency of conferring upon the Senate the power of amending money bills.

Which was read.

Mr. Wells moved to amend said order by inserting after the words "power of," the words "originating and;"

Which amendment was accepted by Mr. Sellman.

The said order was then adopted as amended.

On motion of Mr. Wells, it was

Ordered, That the clerks of the Court of Appeals of the Eastern and Western Shores, be requested to furnish this Convention with the number of cases argued and decided in said courts, during the years 1815,-'16,-'17,-'18,-'19 and '20, and to state the number of those cases in which opinions were filed, and the number in which judgments were given, without opinions being filed.

On motion of Mr. Buchanan, it was

Resolved, That the committee on the Judiciary take into consideration the propriety of so arranging the Judicial Districts, for county courts, as to require that the same Judge shall not sit twice in succession in the same court, but in regular rotation shall attend first one and then another county court, until he has made a circuit of all the county courts in the State.

On motion of Mr. Buchanan, it was

Ordered, That the committee on the Judiciary take into consideration the propriety of so arranging the judicial functions as to prohibit the commingling of the duties of the judges of the Court of Appeals and of the county courts.

Mr. Hardcastle, submitted the following order:

Ordered, That the Convention adjourn on the twentieth day of December, to meet again on the first Monday of January next, and that the members and officers of the Convention shall not receive any per diem during the recess.

Which was read.

Mr. Colston, moved to amend said order by striking out all after the word "ordered," and inserting in lieu thereof, the following:

"That when this Convention adjourns on Wednesday, the 11th inst., it stands adjourned until the last Monday in December—and that no member or officer of this Convention shall receive any per diem during said adjournment;"

Which was read.

Mr. Merrick, moved to lay said order and amendment on the table;

Determined in the affirmative.

On motion of Mr. Stephenson, it was

Ordered, That committee No. 14, take into consideration the following subjects:

The division of the counties into wards or townships, not exceeding five miles square, each to form an election district.

The propriety of the electors in each to elect a justice of the peace, a constable, and one or more supervisors, and of levying a tax on the assessable property therein, to support a school, to keep in repair their own portion of the public roads and bridges, and to support their own poor.

The propriety of the election of one or more jurors by said wards to serve in the county court.

On motion of Mr. Dickinson, it was

Ordered, That the committee appointed to consider and report respecting the power of the Legislature on corporations, &c., be instructed to inquire into the expediency of engrafting into the new constitution, an article, that the stockholders of any Bank, when an act of forfeiture of its charter is committed, or when it is dissolved or expires, shall be individually and severally liable for the payment of all its debts, in proportion to the stock owned by each.

On motion of Mr. Parke, it was

Ordered, That the committee appointed to inquire into and report upon the Judiciary Department of Government, take into

consideration the propriety of incorporating into the new constitution about to be framed, a section requiring the General Assembly, at its first session after the adoption of said new constitution, to appoint three Commissioners, whose duty it shall be to revise, reform, simplify and abridge the rules and practice, pleadings, forms and proceedings of the courts of record of this State; and as far as practicable and expedient, provide for the abolition of the distinct forms of actions at law now in use, and the administration of justice in a uniform mode of pleading, without reference to any distinction between law and equity, and that said commissioners shall from time to time, when required, report their proceedings to the General Assembly, subject to the action of that body.

The President laid before the Convention a report from the register of wills of Carroll county, in obedience to the order of the Convention of the 15th ult.

Which was read and referred to the committee on the Judiciary.

The President also laid before the Convention a report from the clerk to the commissioners of the tax of Carroll county, in obedience to the order of the Convention of the 15th ult.

Which was read and referred to the committee on Representation.

On motion of Mr. Dashiell,

The Convention then resumed the consideration of the order of the day, being the resolution submitted by Mr. Bowie, from the majority of the committee appointed to examine the credentials, and to inquire into the qualifications of members of the Convention, and the resolution submitted by Mr. Brent, of Balt. city, the minority of said committee, as an amendment thereto;

The question before the Convention, being upon the amendment offered by Mr. Donaldson, on yesterday, to the resolution of the majority of the committee, by striking out all after the word "resolved," and inserting in lieu thereof, the following :

"That all civil officers of the State, whether commissioned or not, who have resided within the State of Maryland, for twelve months next preceding their election, are eligible to seats in this Convention ;"

After debate thereon,

Mr. Brown, moved the previous question, that is

"Shall the main question be now put?" and it was

Determined in the affirmative.

The question was then put,

"Will the Convention accept the amendment as offered by Mr. Donaldson?"

Determined in the affirmative.

The question then recurred and was put, on the resolution offered as an amendment by Mr. Brent, of Balt. city, the minority committee; and

Determined in the negative.

On motion of Mr. Ricaud,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Thawley, Brent, of Balt. city, and Sherwood, of Balt. city—3.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Mitchell, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Merrick, Buchanan, Bell, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Miller, McLane, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Carter, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Presstman, Ware, Fiery, John Newcomer, Michael Newcomer, Kilgour, Davis, Waters, Brewer, Hollyday, Slicer, Fitzpatrick, Smith, Ege, Cockey, Parke, Shower and Brown—74.

So the amendment was rejected.

The question then recurred and was put on the adoption of the original resolution, as reported by the majority of the committee, and amended on the motion of Mr. Donaldson; and

Determined in the affirmative.

On motion of Mr. Ricaud,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Mitchell, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Merrick, Buchanan, Bell, Chandler, Lloyd, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Miller, McLane, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Presstman, Ware, Fiery, John Newcomer, Michael Newcomer, Kilgour, Davis, Waters, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Ege, Cockey, Parke, Shower and Brown—72.

NEGATIVE—Messrs. Ridgely, Dickinson, Sherwood of Talbot, Shriver, Thawley, Brent, of Balt. city, Sherwood, of Balt. city—7.

So the resolution as amended was assented to.

On motion of Mr. Hardcastle,

The Convention adjourned until to-morrow morning 11 o'clock.

FRIDAY, December 6th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Ridgely offered an order in explanation of his vote and that of Messrs. Shriver, Dickinson and Sherwood, of Talbot, on yesterday against the resolution adopted as a substitute for the resolution accompanying the majority report of the committee on qualifications of members.

Mr. Merrick moved that it be not received;

Upon which motion Mr. Shriver moved the yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Donaldson, Dorsey, Randall, Sellman, Weems, Dalrymple, Merrick, John Dennis, Dashiell, Williams, Hicks, Hodson, Phelps, McLane, Sprigg, Bowling, Wright, McMaster, Hearn, Fooks, Annan, Stephenson, McHenry, Nelson, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Presstman, Fiery, Kilgour, Waters, Anderson, Weber, Hollyday, Slicer, Smith and Brown—44.

NEGATIVE.—Messrs. Chambers, of Kent, Wells, Kent, Bell, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Miller, Tuck, McCubbin, Grason, George, Dirickson, Shriver, Biser, Magraw, Carter, Thawley, Stewart, of Caroline, Hardcastle, Brent, of Balt. city, Ware, John Newcomer, Michael Newcomer, Davis, Brewer, Fitzpatrick, Parke, Ege and Cockey—33.

So the order was not received.

The President laid before the Convention reports from the registers of wills, of Frederick, and Queen Anne's counties;

Also, a communication from the clerk of Baltimore city court, in compliance with the order of the Convention of the 15th ult.;

Which were read and severally referred to the committee on the Judiciary.

The President also laid before the Convention a report from the clerk of the levy court of Frederick county;

Also a report from the clerk of commissioners of Howard district, in compliance with the order of the Convention of the 2nd instant, relative to fees allowed and paid the Deputy Attorney Generals;

Which were severally read and referred to the committee on the Judiciary.

The hour having arrived for taking up the order of the day, the Convention proceeded to consider the order submitted by Mr. Phelps, on the 27th ultimo, in relation to biennial sessions of the Legislature and the amendment offered thereto by Mr. Biser, to strike out the words "instructed and," and substituting in lieu thereof, "inquire into the expediency of;"

Which amendment being accepted by Mr. Phelps;

The said order was then read a second time as amended and adopted.

The following communication was received from His Excellency, Governor Thomas, by the hands of John Nick Watkins, Esq., Secretary of State:

STATE DEPARTMENT, Annapolis, Md.

December 6th, 1850.

To the Convention:

I have the honor in compliance with the request contained in your order of the 2nd instant, to furnish the accompanying list of the civil offices of the State of Executive appointments.

PHILIP F. THOMAS.

Which was read, and

On motion of Mr. Tuck,

Referred to the committee appointed on civil officers.

Mr. Presstman moved that the Convention take up for consideration the resolution submitted by him on the 26th ultimo, requiring the several committees on the Constitution to report by articles, such propositions as are to be submitted by them for the adoption or rejection of the Convention, and that no argumentative report or written explanation shall be made on any subject by said committees.

Determined in the affirmative.

Mr. Grason moved to amend said resolution by striking out all after the word "resolved," and inserting in lieu thereof the following:

"That the standing committees of this Convention shall present such parts of a new constitution as it may be their duty to propose, without accompanying the same with a written report."

Which amendment was accepted by Mr. Presstman.

Pending the question on the resolution as amended;

On motion of Mr. Stewart, of Baltimore city,

The Convention adjourned until to-morrow morning 11 o'clock.

SATURDAY, December 7th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention the following communication from His Excellency, the Governor of New York, accompanied with annual reports of the Superintendent of Common Schools, and the School Laws of that State:

STATE OF NEW YORK,
Executive Department,
 Albany, Dec. 2d, 1850.

To the Hon. J. G. CHAPMAN,
President of the Maryland State Convention, Annapolis:

SIR—Your favor of 25th ult., covering a copy of a resolution of the Convention now in session in your State, has this day been received. I have referred it to the Secretary of State, with the request that he will furnish you with the information desired, with respect to the State of New York.

With much respect,
 Your obedient servant,
 HAMILTON FISH.

Which was read and with the reports therein mentioned referred to the committee on Education.

On motion of Mr. Biser, it was

Ordered, That the committee to consider and report a Declaration of Rights, inquire into the expediency of engrafting a section in the Declaration of Rights, that no religious test shall be required as a qualification for any office of public trust; that the free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall for ever be allowed in this State; and that no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

The President laid before the Convention a report from the Register of Wills of Cecil county, in obedience to the order of the Convention of the 15th ultimo;

Which was read and referred to the committee on the Judiciary.

Mr. Hicks submitted the following order:

Ordered, That the committee on Education be requested to inquire into the propriety of causing the Scriptures to be made a standard book for the use of public schools in this State, to be hereafter established, and report their conclusion to this Convention.

Which was read, and

On motion of Mr. Fitzpatrick,

Laid on the table.

On motion of Mr. Phelps, it was

Ordered, That the committee on Representation of the two Houses of the General Assembly, and a proper apportionment of representation in the same, be and they are hereby directed to inquire into the propriety and expediency of limiting the number of members of the House of Delegates of this State to forty; provided the present ratio of representation between the Eastern and Western Shores be not disturbed.

Mr. Davis submitted the following order:

Ordered, That the committee to consider and report respecting

the power of the legislature on corporations, inquire into the expediency of requiring all chartered companies hereafter incorporated for the construction of canals, rail roads, turnpikes, or plank roads, to transport all fertilizers of the soil, and agricultural implements free of toll.

Which was read.

Mr. Ware moved to amend said order by adding at the end thereof the following:

“And also all materials used in the mechanic arts.”

Determined in the affirmative.

Mr. Phelps moved further to amend said order by adding at the end thereof the following:

“And also require all steam boat companies incorporated by the legislature of this State, to convey all agricultural implements, manures and fertilizers free of charge.”

Which was read.

Mr. Michael Newcomer moved to lay said order and amendment on the table.

Determined in the affirmative.

On motion of Mr. Davis,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Dent, Wells, Kent, Sellman, Weems, Buchanan, Lloyd, Dickinson, Sherwood, of Talbot, Colston, McCubbin, Grason, George, Wright, McMaster, Hearn, Fooks, Shriver, Biser, Annan, Nelson, Thawley, Hardcastle, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Fiery, Michael Newcomer, Hollyday, Slicer, Fitzpatrick, Ege, Shower, Cockey, and Brown—36.

NEGATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Bell, Chandler, Ridgely, John Dennis, Dashiell, Williams, Hicks, Phelps, Miller, McLane, Tuck, Sprigg, Bowling, Dirickson, McHenry, Carter, Stewart, of Caroline, Kilgour, Davis, Waters, Weber and Smith—31.

So the order and amendment was laid on the table.

On motion of Mr. Dorsey, it was

Ordered, That the committee on the Treasury Department, inquire into the expediency of creating an officer to be called the State's Agent, or to bear such other name as the committee may deem more appropriate, to be elected by the joint or concurrent vote of both branches of the General Assembly of Maryland, whose duty it shall be when appointed, after ascertaining the legality of the issuing thereof, to countersign all bonds, coupons, or other certificates of indebtedness of the State, thereafter issued by the Commissioner of Loans; and to make in well bound books to be furnished him by the Treasurer of Maryland at the expense of the State, full, fair and explicit entries of all bonds, coupons and certificates of indebtedness of the State, countersigned by him, and of all bonds or certificates of indebtedness in lieu of which such countersigned instruments may have been substituted; and

such books shall be the property of the State of Maryland, and be at all times subject to the inspection of the Treasurer of Maryland and the General Assembly, and of any person authorised by either to inspect the same; and upon the requisition of the General Assembly or the Treasurer of Maryland, the said books shall be deposited in the office of the Treasurer of Maryland; and after the above mentioned appointment, no bond, coupon or certificate of indebtedness by the State thereafter issued, unless countersigned as aforesaid, shall be of any force, validity or effect as against the State of Maryland,

On motion of *Mr. Dirickson*, it was

Ordered, That the committee to consider and report respecting the regulation of inspections, be requested and directed to inquire into the expediency of abolishing the present system of appointing inspectors, and to provide that all persons desiring to become inspectors shall be required to take some prescribed oath, and to take out such license as shall be hereafter regulated by law.

Mr. Hollyday submitted the following preamble and order:

Which was twice read and adopted.

Whereas, under the present system of compensating justices of the peace in the counties of this State, those officers are dependent for their fees and emoluments, entirely upon the amount of official business they may transact, and are thereby rendered in a great degree dependent upon the constables for their fees, and are exposed to the temptation of inciting litigation unnecessarily,—Therefore,

Be it ordered, That the committee on the Judiciary, be instructed to inquire into the expediency of so organizing the office of justices of the peace, as that their compensation may be fixed, and their independence in office thereby secured.

The Convention then resumed the consideration of the unfinished business of yesterday, being the resolution submitted by *Mr. Presstman*, on the 26th ultimo, and amended on the motion of *Mr. Grason*, by striking all after the word “resolved” and inserting in lieu thereof the following:

“That the standing committees of this Convention shall present such parts of a new constitution, as it may be their duty to propose, without accompanying the same with a written report;”

The question before the Convention being upon the resolution as amended:

On the question being put,

“Will the Convention adopt the said resolution as amended?” it was

Determined in the affirmative.

On motion of *Mr. Stewart* of Baltimore city,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Morgan, Dent, Hopewell, Ricaud, Dalrymple, Buchanan, Bell, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Hicks, Hodson, Phelps, McLane, Grason, Dirickson, McMaster, Hearn, Shriver, Biser, Annan, Mc-

Henry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Stewart of Balt. city, Sherwood of Balt. city, Pressman, Ware, Fiery, Michael Newcomer, Anderson, Weber, Slicer, Fitzpatrick,, Smith, Parke, Ege, Shower, Cockey and Brown—45.

NEGATIVE.—Chapman, Pres't. Blakistone, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Weems, Merrick, John Dennis, Dashiell, Williams, Miller, Tuck, Sprigg, McCubbin, Bowling, George, Wright, Fooks, Magraw, Carter, Kilgour, Davis, and Hollyday—26.

So the resolution was adopted.

Mr. McHenry, submitted the following order:

Which was twice read and adopted.

Ordered, That the committee "to consider and report respecting the Executive Department," inquire into the expediency

1st. Of providing for the election of a Governor and Lieutenant Governor, biennially by the qualified voters of the State, without any restriction, as to the persons so to be voted for, other than that they shall be citizens of the State and years of age.

2nd. Of investing the Governor with a qualified veto power, requiring the votes of two thirds of the members present, of each House of the Legislature to over-rule the same.

3rd. Of confiding to the Governor the appointment only of his staff, the general officers of the militia, and the ministerial officers under his personal direction at the seat of government.

4th. Of investing the Governor with the pardoning power, to be exercised only after conviction, and upon joint recommendation of the Judges and jury who may have tried the criminal.

5th. Of providing for the periodical establishment by the Legislature, of the salaries and emoluments of executive officers in advance, of the periods at which said officers may be elected; so that such salaries and emoluments shall not be subject to alteration or uncertainty, during the respective terms of said officers.

6th. Of enumerating specifically the rights, duties and powers of the Governor and other executive officers.

On motion of Mr. Randall, it was

Resolved, That the committee on the Treasury Department inquire into the expediency of making provisions for the appointment of an Auditor of the Treasury, or other officer, whose duty it shall be to countersign or otherwise control the receipts into, and the payments out of the Treasury of this State.

The President laid before the Convention a report from the clerk of Baltimore county court, in obedience to the order of the Convention of the 15th ultimo.

Which was read, and

Referred to the committee on the Judiciary.

On motion of Mr. Tuck,

The Convention adjourned until Monday morning 11 o'clock.

MONDAY, December 9th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on Saturday.

Prayer by the Rev. Mr. Griffith.

The proceedings of Saturday were read.

The President laid before the Convention a report from the clerk of the court of Appeals, for the Eastern Shore, in obedience to the orders of the Convention of the 18th and 19th ult.;

Also, a report from the Register of Wills, for Baltimore county, in obedience to the order of the Convention of the 15th ult.;

Which were severally read and referred to the committee on the Judiciary.

The President also, laid before the Convention a report from the clerk to the commissioner of tax for Anne Arundel county, in obedience to the order of the Convention of the 2nd instant, in relation to fees allowed the Deputy Attorney General by said county;

Which was read and referred to the committee on the Judiciary.

On motion of Mr. Biser, it was

Ordered, That the committee to consider and report respecting the Treasury Department, inquire into the expediency of engraving a clause in the constitution, to have published in at least one newspaper printed at the Seat of Government, during the first week in January, in each year, and in the next volume of the acts of the legislature, a detailed statement of all monies drawn from the Treasury during the preceding year, for what purpose, to whom paid, and by what law authorised.

Mr. Dent submitted the following resolution:

Resolved, That when this Convention adjourn on Saturday, the 14th instant, it stand adjourned until Monday, the 30th day of December, instant.

Which was read, and

On motion of Mr. Dent,

Postponed until to-morrow the 10th instant.

On motion of Mr. Fiery, it was

Ordered, That the committee on the Elective Franchise, consider the propriety of providing in the constitution for the holding of elections on the third Wednesday of October.

On motion of Mr. Weems, it was

Ordered, That the committee on Inspections be requested to inquire into the expediency of increasing the number of Tobacco Inspectors to six; one to be elected by the people, from each of the six largest tobacco growing counties of this State.

Mr. Spencer submitted the following resolution:

Resolved, That the committee on the Executive inquire into the expediency of taking from the Governor, the power to grant a nolle prosequi or pardon in any case of bribery which shall hereafter occur at any election to be held in the State of Maryland.

Which was twice read and adopted.

On motion of Mr. Randall, it was

Ordered, That the committee to consider and report respecting the Legislative Department inquire into the expediency of dividing each county, the city of Baltimore and Howard district into as many separate election districts as they may respectively be entitled to delegates in the popular branch of the legislature, so that each election district shall vote for and elect by its resident voters only one such delegate.

Mr. Gwinn, submitted the following resolution :

Resolved, That the committee on Representation inquire into the expediency of so organizing the Legislature, that it shall consist of a Senate and House of Delegates, so that the House of Delegates shall be constituted in the following manner :

Every county in the State and the city of Baltimore, shall be entitled to a delegate for each seven thousand of its inhabitants ; and the said delegates shall be elected on general ticket in each of the said counties, which shall be entitled to more than one delegate, and in the city of Baltimore.

And so that the Senate shall be constituted in the following manner :

The State shall be divided into Senatorial districts ; of which, the city of Baltimore shall be one. The counties shall be arranged in districts, in such a manner that the population of each district shall equal, as nearly as possible, the population of the city of Baltimore, and each district shall consist of adjoining counties ; and

Each senatorial district shall be entitled to four senators, who shall be elected on general ticket in their said districts.

Which was twice read and adopted.

On motion of Mr. Jenifer, it was

Ordered, That the committee on the Legislative Department be instructed to inquire into the expediency of making the city of Annapolis, the permanent Seat of Government of the State.

On motion of Mr. Stewart, of Balt. city, it was

Ordered, That the committee on the Legislative Department inquire into the expediency of authorizing foreigners, resident in this State, to acquire and alienate real estate therein.

On motion of Mr. Stewart, of Balt. city, it was

Ordered, That the committee on the Legislative Department inquire into the expediency of providing by law, for such forms of conveyance of personal and real estate, as may be sufficient to convey the title, while they simplify and abridge the forms now in use.

On motion of Mr. Stewart, of Balt. city, it was

Ordered, that the committee on the Legislative Department inquire into the expediency of prohibiting all lottery grants.

On motion of Mr. Stewart, of Baltimore city, it was

Ordered, That the committee on Education inquire into the expediency of providing for a more perfect supervision of the University of Maryland in the city of Baltimore by the Government of the State, than that which now exists.

On motion of Mr. Ege, it was

Ordered, That the committee on Education inquire into the expediency of applying all the University College and Academic appropriations made by the State to a general school fund for the purpose of division between each county and city in the State, according to population.

On motion of Mr. McHenry, it was

Ordered, That the committee "to consider and report respecting the Legislative Department" inquire into the expediency of providing that said Department shall consist of a Senate, the members of which shall serve for three years, (one-third annually) and a House of Delegates, the members of which shall serve one year;

Of providing a fixed annual compensation for members of the Legislature, in lieu of the per diem and perquisites heretofore customary in this State; and of enumerating specifically the powers of the Legislature, and providing that all legislative powers not so enumerated, shall be reserved to the local legislative boards of the territorial divisions of the State, or to the people.

On motion of Mr. McHenry,

The Convention took up for consideration the resolution submitted by him on the 22nd ultimo.

On motion of Mr. McHenry,

The 1st and 2nd resolutions were so amended, as to prefix the following: "Resolved, that the committee on the basis of Representation and apportionment take into consideration the propriety of,"

The 3rd resolution was then amended by prefixing the following: "Resolved, that the committee on the Legislative Department, take into consideration the propriety of,"

The said resolutions were then severally adopted as amended.

Mr. Ware submitted the following resolution, and moved the previous question to which there was a second:

Resolved, That when the Convention adjourn on Wednesday the 18th instant, it stand adjourned until Tuesday the 31st inst.

Which was read.

Mr. Brown moved to lay said order on the table.

Determined in the negative.

The question then recurred upon the motion for the previous question, and being sustained by a majority of the members present the said previous question was put, that is

"Shall the main question be now put?" and it was

Determined in the affirmative.

The question was then put on the adoption of the order; and Determined in the affirmative.

The President laid before the Convention a report from the clerk to the commissioners of tax for Somerset county, in obedience to the order of the Convention of the 15th ultimo;

Which was read and referred to the committee on Representation.

Also a report from the clerk of Talbot county court, in obedience to the order of the Convention on the 15th ultimo;

Which was read and referred to the committee on the Judiciary.

On motion of Mr. Ridgely,

The Convention adjourned until to-morrow morning 11 o'clock

TUESDAY, December 10th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

On motion of Mr. Wells, it was

Ordered, That the committee appointed "to consider and report a proper basis of Representation in the two Houses of the General Assembly, and a proper apportionment of Representation in the same," consider the expediency of creating a new county, to be styled "Howard county," out of that part of Anne Arundel county, now known as "Howard District."

Mr. Merrick, submitted the following order:

Which was twice read and adopted.

Ordered, That the committee on Representation inquire into the expediency of adopting the following articles:

Article 1st. The Legislature shall be formed of two distinct branches, a Senate and a House of Delegates, which together shall be a complete Legislature, and shall be styled, the General Assembly of Maryland.

Art. 2nd. The House of Delegates shall consist of members to be chosen annually on the first Wednesday of the month of October, by the voters of the several counties of the State, and of the city of Baltimore, according to the number of the population of each of said counties and of the said city of Baltimore, and in conformity with the following rule: That is to say, each of said counties and the city aforesaid, shall elect one Delegate for every four thousand souls it may contain up to twenty thousand, and for any excess in the number of population in any of said counties or in the city of Baltimore above twenty thousand, and of not less than eight thousand, there shall be allowed to each county or city having such excess, one additional Delegate; and for any excess of population in any of the counties or city aforesaid, above twenty eight thousand and of not less than sixteen thousand, one other additional Delegate shall be allowed to each of the counties or to the city having such excess; and so on,

duplicating the number of souls required to be in excess above the last number upon which an additional delegate was allowed, for the allowance of each further additional Delegate, to which by such duplicating ratio, any of the counties or the city of Baltimore, may be entitled for the whole number of its population.

Art. 3rd. The Senate shall consist of twenty-two Senators, to be elected every fourth year, at the time, places and in the manner prescribed for the election of members of the House of Delegates; one Senator to be chosen by the voters of each county in the State, and two by the voters of the city of Baltimore; but for this purpose the said city of Baltimore shall be divided or laid off as nearly as may be, into two equal senatorial districts, each of which districts shall separately elect one Senator; and the said city of Baltimore shall also be laid off into nine equal electoral districts, for the purpose of electing members of the House of Delegates, and each of said electoral districts shall separately elect one Delegate—and it shall be competent for the Legislature at their first session after the authoritative promulgation of each decennial census of the people of the United States, or whenever the said city shall by the further increase of her population become entitled according to the basis of representation now fixed, to one or more additional Delegates, to provide for re-arranging or creating other electoral districts for the purpose of such election; but it shall not be competent for the Legislature to alter or disturb the arrangement of said districts for any other purpose, nor upon any other occasion, nor to make the number of said districts less than the number of delegates to be elected from said city; but the Legislature shall have power at the same decennial periods to alter for the purpose of equalization, the senatorial districts, but at no other time.

Memorandum for Illustration :

The ratio of representation here proposed, by allowing one delegate for every 4,000 souls up to 20,000, and duplicating said ratio of 4,000 for every additional delegate above 4, would, it is believed, operate to the following effect—but this can only be certainly ascertained by the returns of the census for 1850, to which we have not yet access.

It would give to—

			No. of Delegates.
Caroline County,	-	-	2
Calvert “	-	-	2
Kent “	-	-	2
Talbot “	-	-	3
Queen Anne’s “	-	-	3
St. Mary’s “	-	-	3
Harford “	-	-	4
Charles “	-	-	4
Montgomery “	-	-	4
Carroll “	-	-	5

			No. of Delegates.
Dorchester	"	-	5
Worcester	"	-	5
Cecil	"	-	5
Somerset	"	-	5
P. George's	"	-	5
Allegany	"	-	6
A. Arundel	"	-	6
Frederick	"	-	6
Washington	"	-	6
Baltimore	"	-	6
Baltimore City,	-	-	9
Making the House consist of			96 mem's

Table of Ratio and Duplications :

4,000 souls	-	-	1 Delegate.
8,000 "	-	-	2 "
12,000 "	-	-	3 "
16,000 "	-	-	4 "
20,000 "	-	-	5 "
28,000 "	-	-	6 "
44,000 "	-	-	7 "
76,000 "	-	-	8 "
140,000 "	-	-	9 "
268,000 "	-	-	10 "
524,000 "	-	-	11 "

Statement shewing territorial extent of the several Counties of the State, in Acres :

Allegany,	-	-	672,000 Acres.
Anne Arundel,	-	-	433,920 "
Baltimore,	-	-	403,840 "
Calvert,	-	-	153,400 "
Caroline,	-	-	198,400 "
Carroll,	-	-	295,680 "
Cecil,	-	-	230,400 "
Charles,	-	-	294,400 "
Dorchester,	-	-	386,560 "
Frederick,	-	-	358,400 "
Harford,	-	-	282,880 "
Kent,	-	-	174,080 "
Montgomery,	-	-	281,600 "
Prince George's,	-	-	314,880 "
Queen Anne's,	-	-	257,920 "
Saint Mary's,	-	-	201,600 "
Somerset,	-	-	310,400 "
Talbot,	-	-	215,040 "
Washington,	-	-	331,520 "
Worcester,	-	-	394,240 "

The President laid before the Convention a report from the clerk to the Court of Appeals for the Western Shore, in obedience to the order of the 5th inst.;

Which was read and referred to the committee on the Judiciary, Mr. Chambers, of Kent, chairman of the committee of "twenty-one," submitted the following report :

WHEREAS, The Constitution of the United States was designed more effectually to secure the civil and political rights of the citizens of every part of the Union, and especially to protect their persons and property as well in other States, as in the State in which they might reside; *and whereas*, amongst the rights of property there was none more generally known or more distinctly recognized, than that of holding slaves; and whereas, the peculiar risk of loss to which this species of property was exposed, was so obvious, and the absolute necessity of a suitable provision to guard against it so universally felt, that no one hesitated to acknowledge that without such provision the Union could not have been framed ; *and whereas*, certain persons in various portions of the Union, instigated by a spirit of fanaticism, have combined for the purpose of openly resisting and defying the guarantees of the constitution and laws by which alone the slave holding States can be assured of the rightful possession, and just protection of their property, we the members of the Convention of Maryland, lately elected from the body of the people, and intimately acquainted with their feelings and opinions, deem it proper to declare in calm and deliberate terms, what we believe to be their views in relation to the exciting subjects to which we have referred and do; Therefore,

1st. *Resolve*, That the Constitution of the United States, has accomplished all the objects, civil and political, which its most sanguine framers and friends anticipated, and that the affections of the people of Maryland are justly rivetted to its principles, by the memory of the sacrifices of the wise and good men who framed it, as well as by the blessings it has so liberally dispensed to our country.

2nd. That a proper appreciation of these blessings should lead every State in the Union to adopt all such measures, as from time to time, may be necessary to give complete and full effect to any provision of the constitution or of the laws pursuant thereto, intended for the protection of any portion of this great family of States.

3rd. That while we do not conceal that the several acts of Congress passed at their late session, relating to the admission of California, to the territorial governments of Utah and New Mexico, to the adjustment of the boundary of Texas, to the prohibition of the slave trade in the District of Columbia, and to the reclamation of fugitives from labor, do not, to the extent we desired, meet the just demands of the South ; nevertheless, viewing these several acts as parts of an entire system, to be adhered to and maintained as a whole, proceeding on the basis of compromise, and intended by

a permanent adjustment of so many critical questions, to heal the public agitations and perpetuate the Union, they have received our acquiescence, and have inspired us with admiration of those eminent statesmen, who rising above the influence of party and sectional considerations, periled their well earned reputation for the enduring welfare of their country.

4th. That the vigorous and faithful execution by the General Government of all laws made in pursuance of the Constitution, is its primary duty, and affords the only security for the just protection of the rights and property of the citizens, and for the permanency of the Union; and it is equally the duty of all good citizens to encourage and support the officers of the Government in the execution of the laws, and to discountenance and rebuke the efforts of those who seek to subvert them, and while therefore we entertain every proper confidence in the ability and determination of the Chief Magistrate of the Union, faithfully to perform his duty in the present crisis, and take the opportunity to tender to him our assurances that in any emergency that should require it, he may safely rely upon the cordial co-operation of the people of Maryland, we cannot withhold the warmest expression of our firm and continued reliance upon the patriotism of those of our countrymen, in all sections of the Union, who have fearlessly asserted the constitutional rights of the South; and in view of the calamities which must ensue, if those rights continue to be violated, we would earnestly suggest to the Governments of the non-slave holding States, the propriety and importance of enacting such laws as will facilitate the recovery of fugitives from labor: and upon the citizens of every State, we would anxiously urge the absolute necessity of maintaining and enforcing each and all of the measures of adjustment adopted at the last session of Congress.

5th. That of the aforesaid series of laws that intended to ensure the restoration of fugitives from labor is the only one professing to protect the peculiar rights and institutions of the Southern States, from the mischievous hostility of a wicked fanaticism in other portions of the Union, is but a tardy and meagre measure of compliance with the clear explicit and imperative injunctions of the Constitution, and holds out the only hope that the protection which the South was authorised to expect from the Union of the States, to this species of property will be afforded to them, and being the chief inducement to the South for its accession to the compromise, the repeal of that law, or the failure to enforce its provisions, could only be regarded as evidence of a determined purpose in other States, to violate the sacred charter of our rights or a want of ability in the General Government to enforce the laws made for our protection, and in either event there would be a failure to comply with the solemn obligations which give to the constitution its chief

value, and binding force, and which could not be violated, or deliberately evaded without leading to a dissolution of the Union.

E. F. CHAMBERS, Chr'n.
JAMES R. HOPEWELL,
A. RANDALL,
GEO. W. WEEMS,
WM. D. MERRICK,
JAMES M. BUCHANAN,
EDWARD LLOYD,
JOHN DENNIS,
LOUIS McLANE,
WILLIAM H. TUCK,
WILLIAM GRASON,
L. L. DIRICKSON,
SAMUEL M. MAGRAW,
R. C. CARTER,
LEWIS P. FIERY,
WASHINGTON WATERS,
W. M. HOLLYDAY,
JACOB SHOWER,
ROBERT J. BRENT,
JOHN D. GAITHER,
WM. T. GOLDSBOROUGH.

Which was read.

On the question being put, "will the Convention adopt said resolutions?"

Mr. Chambers of Kent, moved for the yeas and nays, which being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Sollers, Merrick, Jenifer, Buchanan, Bell, Welsh, Chandler, Ridgely, Lloyd, Dashiell, Williams, Hicks, Hodson, Goldsborough, Constable, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Wright, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Michael Newcomer, Kilgour, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—77.

So the resolution was unanimously assented to.

Mr. Sprigg, submitted the following resolution:

Resolved, That one thousand and fifty copies of the report, and resolutions be printed for the use of the Convention, and that the President of this Convention be, and is hereby requested to forward one copy of said printed report and resolutions to each of the Governor's of the several States of the Union, with a request to lay the same before their respective Legislatures, one to the President and each of the Cabinet Ministers of the General

Government, and one to each of the Senators and Representatives of this State in the Congress of the United States, with a request that they lay the same before the two Houses of Congress of which they may respectively be members, and that ten copies be sent to the Executive of this State, and that he be requested to communicate one copy thereof to the next Legislature of this State, and ten be placed in the Library of the State.

Which was read, and on motion of Mr. Magraw,

Said resolution was amended by striking out "one thousand," and inserting in lieu thereof "five thousand."

The said resolution was then assented to as amended.

The following communication was received from His Excellency Governor Thomas, by the hands of John Nick Watkins, Esq., Secretary of State.

STATE DEPARTMENT, Annapolis, Md.,

December 10th, 1850.

To the President of the Convention :

SIR:—Pursuant to the resolutions of the 22nd and 23rd of November, I have the honor to transmit the accompanying paper, containing as far as the records of this office have enabled me to furnish it, all the information called for in said resolutions.

I have the honor to be with great respect your obedient servant.

PHILIP F. THOMAS.

Which was read and referred to the committee on the Executive Department.

The President laid before the Convention a report from the register of wills of Montgomery county, in obedience to the order of the Convention of the 15th ult.;

Which was read and referred to the committee on the Judiciary. Mr. Brent, of Balt. city, submitted the following orders :

Ordered, That unless some one or more of the standing committees shall report to this Convention on or before the first day of January next, then this Convention will proceed to entertain and consider in committee of the whole, any subject matter referred to any of said committees, so that the business of this Convention may be promptly proceeded with.

And ordered further, That this Convention will proceed to dispose of all other subjects referred to the standing committees, previously to that of the basis of Representation.

Which was read.

Mr. Brown, moved for a division of the question upon each order ;

Mr. Magraw, moved to lay said orders on the table ;

Determined in the affirmative.

Mr. Brown, moved to reconsider the vote of the Convention upon the order submitted by Mr. Ware, on yesterday, in relation to an adjournment on Wednesday, the 18th inst.;

Determined in the negative.

On motion of Mr. Brown,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Wells, Sellman, Dalrymple, Merrick, Welsh, Ridgely, Lloyd, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Nelson, Stewart of Balt. city, Schley, Fiery, Michael Newcomer, Weber, Slicer, Fitzpatrick, Parke, Shower, and Brown—25.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Weems, Jenifer, Buchanan, Bell, Chandler, Dashiell, Hodson, Spencer, Grason, George, Wright, Dirickson, McMaster, Fooks, Shriver, Biser, Annan, Sappington, McHenry, Magraw, Thawley, Hardcastle, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Ware, Waters, Anderson, Hollyday, Smith, Ege and Cockey—41.

So the Convention refused to reconsider.

Mr. Jenifer, submitted the following resolution :

Resolved, That the committee on Printing be instructed to employ a competent person to report the proceedings and debates of this Convention, provided the expense of the whole session paid to said reporter, including printing, shall not exceed the sum of ten thousand dollars.

Which was read, and

After debate thereon,

At half past 3 o'clock, P. M.,

On motion of Mr. Magraw,

The Convention adjourned until to morrow morning 11 o'clock.

WEDNESDAY, December 11th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by 'the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention a report from the register of Baltimore city, in compliance with the request of the Convention in relation to all fees and perquisites allowed and paid to the Attorney General and his Deputies, by the city of Baltimore ;

Which was read and referred to the committee on the Attorney General and his Deputies.

The President also laid before the Convention, a report from the clerk of Baltimore county court, in obedience to the order of the Convention of the 15th ultimo, covering a statement of the amounts paid to the Judges of Baltimore county court, on account

of taxes and per centage under act of 1828, chap. 161, and the several supplements thereto ;

Which was read and referred to the committee on the Judiciary.

Also, laid before the Convention a report from the clerk of Queen Anne's county, in obedience to the order of the Convention of the 15th ult., containing tabular statements of the gross receipts of his office, &c.;

Which was read and referred to the committee on the Judiciary.

The President also laid before the Convention a communication from His Excellency, the Governor of North Carolina, covering the acts of Assembly, establishing and regulating common schools, together with proper forms for returns, &c.;

Which was read and referred to the committee on Education.

Also, laid before the Convention a communication from Charles Richardson, Esq., calling the attention of the Convention to the propriety of taking into consideration the wasteful plan followed in the repairing of the State or county roads, &c.;

Which was read and referred to standing committee, No. 7, to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees.

On motion of Mr. Ege, it was

Ordered, That the committee on Representation be requested to enquire into the propriety and justice of adopting the following principles of representation :

1st. Representation according to white population.

2nd. The ratio in the House of Delegates to be governed by the population of the smallest county in the State, commencing with one member, and giving an additional member to each county and city for every given number of inhabitants equaling the number of the lowest county on which the basis may be formed.

The basis of the Senate to be governed by population, dividing the State into twenty-four Senatorial districts, each district to elect one Senator.

Mr. Merrick, chairman of the committee on Representation, submitted the following Report :

The committee on Representation respectfully report the following resolutions :

1. Resolved, That it is inexpedient to regard federal numbers in fixing the estimates and basis of representation in the House of Delegates.

2. Resolved, That it is inexpedient to adopt a principle of representation based exclusively upon popular numbers, in organizing the House of Delegates or the Senate.

Which was read.

Mr. Gwinn, offered as an amendment to the second resolution, to strike out all after the word "resolved," and substituting in lieu thereof, the following :

"That representation in the Senate and House of Delegates, should be based on the principle of population only."

Mr. Brown, moved that the report and amendment be made the order of the day for to-morrow, the 12th inst.;

Mr. Bowie, moved to lay said report and amendment on the table ;

Determined in the affirmative.

The President laid before the Convention a report from the clerk to the commissioners of the tax for Charles county, in compliance with the order of the Convention of the 2nd inst.;

Which was read and referred to the committee appointed on the Attorney General and his Deputies.

Mr. Bowie, submitted the following resolutions :

Which was twice read and adopted.

Resolved, That the committee on the Judiciary inquire into the propriety of making the following alterations and reforms in the judicial department of the government of the State :

1st. The State to be laid off into five judicial districts, three on the Western, and two on the Eastern Shores, one person from among those who are learned in the law, not under thirty, or more than sixty-five years of age, to be elected by the legal voters of each judicial district, as a Judge of the said State in and for said district, to serve for the period of ten years, or until he arrives to the age of sixty-five years, which ever may first happen, and no longer; and to be ineligible thereafter. The five Judges thus elected, to constitute a Supreme Court of Appellate Jurisdiction, for the State at large, to be styled the Court of Appeals of Maryland, and three of whom may hold a court, who shall have the same appellate jurisdiction as the present Court of Appeals of Maryland now have, and they shall hold their sittings twice a year for the Western Shore at the city of Annapolis, and twice a year for the Eastern Shore at Easton, and shall have such salaries as may be hereafter fixed by the Legislature, but said salaries when established by law, shall not be increased or diminished, during the term for which they were elected.

2nd. One person from among those learned in the law, to be elected by the legal voters of each county in the State, as a Judge of the said State, in and for said county, who shall not be under thirty or more than sixty-five years old, and who shall serve for ten years, or until he arrives to sixty-five years of age, which ever may first happen and no longer, and to be ineligible thereafter.—The Judges thus elected to constitute the county court of this State, and to have the same criminal, common law and Chancery Jurisdiction and powers, that the county courts of the State now have, and also to have the same jurisdiction and powers in all matters of administrations, last wills and testaments and guardianships, and all other matters, that the Orphans courts of the State now have. The said Judges shall hold two terms in each year in their respective counties, for the trial of criminal and common law causes, and shall meet at least once a month or as much oftener as the legislature may direct for the despatch of all Chancery business, and for the transaction of Orphans court business,

and for hearing appeals, from the decisions of Justices of the Peace. The salaries of said Judges shall be fixed by the Legislature, but when fixed shall not be increased or diminished during the terms for which they were respectively elected.

3rd. The city of Baltimore to be laid off into two judicial districts, and two persons from among those learned in the law from the city at large, shall be elected by the legal voters of said city, as Judges of the State in and for said districts respectively, which two Judges, together with the Judge to be elected from Baltimore county, shall constitute either one court or separate and distinct courts for the transaction of business for the city and county of Baltimore respectively, in such manner, and according to such course of procedure as may be prescribed by law. The said Judges not to be eligible under thirty or over sixty-five years of age, and to serve for ten years, or until they shall respectively arrive to the ages of sixty-five years, which ever may first happen and no longer, and to be ineligible thereafter. The said judges respectively to have the same criminal, chancery and common law jurisdiction and powers which Baltimore county court now has, and also such jurisdiction and powers in relation to testamentary and all other matters, which the Orphans court of Baltimore county and city now has, and shall hold there terms in such manner and at such times as the Legislature may by law direct. The salaries of said Judges to be fixed by law, and not to be increased or diminished during the term for which they were elected.

4th. The establishment of a separate court, chiefly of criminal jurisdiction for the city of Baltimore, to consist of one Judge, to be elected by the legal voters of the said city from among those learned men in the law, who is not under thirty or more than sixty-five years old, to serve for ten years or until he shall arrive to the age of sixty-five, which ever may first happen, and no longer; and to be ineligible thereafter, said court to be also invested with exclusive jurisdiction in all matters which relate to insolvent debtors, and to apprentices, and to have appellate jurisdiction in all appeals from the decisions of Magistrates within the limits of the city. The salary of said Judge to be in like manner fixed by law, and not to be increased or diminished during the term for which he is elected.

5th. The Legislature to establish by law an inferior court, to be styled the "Police Court of the city of Baltimore," which shall have jurisdiction of all such inferior offences as the Legislature may by law provide for. The number of Judges, their mode of appointment, tenure of office, qualifications, and salaries to be provided for by law.

6th. No new suit shall be instituted in, and no suit pending elsewhere, shall be removed to the High Court of Chancery of this State, after the adoption of this constitution by the people; but all unfinished business now pending, or which may be then pending in the said Chancery court, shall be closed and brought to a final termination, within five years from the time of the meet-

ing of the first General Assembly after the ratification of this constitution, at which time, or sooner if the said business shall be finished, the said Chancery court and the office of Chancellor as well as the office of Register in Chancery shall be abolished, until which time the salary of the Chancellor and the fees of office of the Register in Chancery shall remain the same as they now are, and in the event of a vacancy in either the said office of Chancellor or of Register in Chancery, the same shall be filled in the manner now provided for, and when the said Chancery court shall be abolished, the Legislature shall provide by law for the safe keeping and disposition of the records and proceedings of said court as it may deem necessary and proper.

7th. The Orphans courts and Magistrates courts of the State and the office of commissioners of insolvent debtors for the city of Baltimore to be abolished, and their jurisdiction vested respectively in the several courts heretofore mentioned.

8th. The jurisdiction of single justices of the peace to be extended to one hundred dollars with the right of immediate appeal to the several courts respectively hereinbefore mentioned.

9th. The clerks of the Court of Appeals for the Eastern and Western Shores, to be annually appointed by the Judges of said court, all other clerks of courts, and the Registers of Wills for the county and city of Baltimore, to be elected by the people of said counties and city respectively for a term not exceeding seven years, and to be re-eligible at the expiration of their terms.

10th. The fees of Clerks and Registers of Wills to be abolished, and fixed salaries to be provided by law, for the Registers of Wills, to be paid by the counties and city of Baltimore respectively, and the Legislature to provide by law some certain and simple mode of compensation to clerks, in lieu of the present system of fees.

11th. Justices of the peace, Sheriff's, Constables and Coroners to be appointed, as now provided for, and their fees of office to remain the same.

12th. All judgments, decrees and orders in Chancery, interlocutory orders and other proceedings of courts of competent jurisdiction in this State, and all public or private acts of Assembly whenever relied upon in the progress of a cause in any of the courts of the State, to be allowed to be given in evidence, under the general issue, and the courts to be prohibited from passing rules of court requiring them to be specially pleaded.

13th. All special pleading to be abolished in the courts of the State, and every matter pertinent or material to the merits of a cause to be given in evidence under the general issue and without being plead specially.

14th. The trial of Judges by impeachment only, and the doctrine of contempts of court, to be held as utterly odious, and in derogation of the rights of the citizens, and, as establishing in the persons of Judges prerogative privileges and immunities, not belonging to other citizens of the State.

15th. Judges for wilful misbehaviour, and other official misde-

meanors, to be tried like other citizens, on presentment and indictment in the due course of the common law, subject to such regulations and limitations as the Legislature may prescribe by law.

On motion of Mr. Blakistone, it was

Ordered, That the committee on the Elective Franchise inquire into the expediency of adopting the following article :

1st. That every free white male citizen above the age of twenty-one years, having resided twelve months in the State, and six months in the county or city, immediately preceding any election at which he offers to vote, shall be entitled to the right of suffrage.

2nd. That every free white male citizen having the residence as aforesaid, who shall have borne arms in defence of this State, or of the United States, or who are or may be compelled to bear arms in defence of either, shall be entitled to the rights of suffrage.

3rd. That every married man above the age of 18 years, and having the above qualification of residence shall be entitled to the right of suffrage.

On motion of Mr. Blakistone, it was

Ordered, That the committee on the Bill of Rights inquire into the expediency of adopting the following articles :

That the property of a woman, whether acquired before or after marriage, shall not be subject to her husband's debts, nor to be disposed of by him ; but shall remain hers forever as if she were a *feme sole*.

That a man shall not be responsible for the debts of his wife contracted before marriage.

That no Clergyman of any religious denomination, in which Auricular confession is observed, shall be compelled or permitted to give evidence of any confession made to him, in any court of law or equity in this State.

On motion of Mr. Blakistone, it was

Ordered, That the committee on Education inquire into the expediency of adopting the following article :

That it shall be the duty of parents to maintain, educate and support their children until they arrive at majority, and in the event of the inability of parents to provide suitably for their children, the duty to devolve on the public, to the end that the child of every citizen of this State may be cared for and suitably educated.

Mr. Gwinn, submitted the following order :

Ordered, That the committee on Representation report to this House on or before Monday next, and that the report of the said committee be made the special order of the day, for Friday, January 3rd, 1851 ;

Which was read, and

On motion of Mr. Spencer,

Said order was laid on the table.

Mr. Donaldson, submitted the following order :

Which was twice read and adopted.

Ordered, That the Treasurer be and he is hereby requested to furnish to this Convention, at his earliest convenience, a statement showing—

The balance in the Treasury on the 1st of Dec. 1849 ;

The balance in the Treasury on the 1st of Dec. 1850 ;

The amounts of arrears of interest funded, or authorised to be funded, under the act of 1846, ch. 238, which have been redeemed since Dec. 1st, 1849, showing at what dates such amounts were redeemed, and distinguishing between what was called in by public advertisement, and what was bought at private sale to be extinguished ;

The amount of funded arrears still unredeemed ;

The amount of funded arrears, if any, now standing to the credit of the sinking fund ;

The gross amount of receipts into the Treasury, for the whole year ending the 1st of Dec. 1850 ; the gross amount of receipts from Dec. 1st, 1849, to April 1st, 1850, and the gross receipts for the whole month of April 1850 ;

The amount of interest on the public debt payable at the loan office of this State on the 1st of January 1851 ;

The amount of interest on the public debt actually payable on the 1st of April 1851, at the loan office and at London—giving the two items separately, if any be payable at London ;

The amount of interest on the public debt actually payable on the 1st of July 1851, at the loan office and in London, giving the two items separately, and not including the interest due on sterling bonds held in trust for the sinking fund ;

At what dates in the years 1849 and 1850, respectively, the Treasurer remitted to the Commissioner of Loans funds to purchase bills of exchange for the purpose of remitting to London, the interest on the public debt, actually payable there on the first day of July, of 1849 and 1850 respectively.

The amount of interest actually payable on the 1st day of April 1851, on account of the sterling bonds, if any, now held in trust for the sinking fund ;

The amount of gross receipts which the Treasurer estimates, will come into the Treasury in the whole of the fiscal year ending December 1st, 1851, and the estimated expenditures of the same, and the estimated receipts and expenditures from Dec. 1st, 1850, to April 1st, 1851, and also for the whole month of April 1851—in each case exclusive of the expenses of this Convention ;

The ordinary expenses of the State from the 1st of Dec. 1849 to the 1st of April 1850, exclusive of the expenses of the Legislature, and exclusive of special appropriations made by the Legislature, and same expenses for the whole month of April 1850 ;

The probable balance which would be in the Treasury on the 1st of Jan. 1851, if all expenses of this Convention were excluded from the account ;

He is also requested to state, whether there is any reason to apprehend that there will be between the 1st of Dec. 1850, and the 1st of April 1851, any serious falling off in the State's revenue, as compared with the receipts during the same period in the two

preceding years, and if so, what are the grounds for such apprehension ;

And whether he has in immediate contemplation to redeem any and what part of the funded arrears of interest, by calling the same in by public advertisement.

Mr. Stewart, of Caroline, submitted the following resolution :

Resolved, That the President of this Convention send a copy of the resolutions reported by the committee of "twenty-one," on the subject of the Union, to the President of each of the Conventions of other States now in session ;

Which was twice read and adopted.

On motion of Mr. Spencer,

The Convention resumed the consideration of the unfinished business of yesterday, being the resolution submitted by Mr. Jenifer, instructing the committee on Printing, to employ a competent person to report the proceedings and debates of this Convention, provided the expense of the whole session paid to said reporter, including printing, should not exceed the sum of ten thousand dollars.

Mr. Jenifer, (with the consent of the Convention) withdrew the said resolution, and offered in lieu of it the following :

Resolved, That the committee on Printing be instructed to ascertain upon what terms a competent person can be employed to report the proceedings and debates of this Convention, and the printing of the same—and that said committee report to the Convention on the 1st day of January next.

Which was twice read and adopted.

On motion of Mr. Wells, it was

Ordered, That the committee appointed to "consider and report respecting the Legislative Department," consider the expediency of inserting an article in the new constitution prohibiting members of the Legislature from engaging as counsel in the prosecution of claims before the General Assembly.

On motion of Mr. Sellman, it was

Ordered, That the committee on the Legislative Department be instructed to inquire into the expediency of reporting an article, denying to either branch of the General Assembly, the power of originating any bill or resolution within three days of the time appointed for its adjournment.

On motion of Mr. Stephenson, it was

Ordered, That the committee appointed to consider and report respecting future amendments and revisions of the constitution, inquire into the expediency of prohibiting the Legislature from changing the constitution, but in accordance with the will of a majority of the people expressed at the ballot box, on each and every amendment separately; also, of providing in the constitution for taking the sense of the people periodically on the propriety of calling a convention to revise the constitution, and when a majority of the people shall at any time named in the constitution cast their votes in favor of holding a convention, to declare it

the right of the people to elect delegates to a Convention, with powers to change the then existing constitution, subject to the ratification or rejection by the people.

The President laid before the Convention, a report from the clerk to the commissioners of the tax for Dorchester county, in obedience to the order of the Convention of the 2nd inst., respecting fees allowed the Attorney General and his Deputies;

Which was read and referred to the committee appointed on the Attorney General and his Deputies.

On motion of Mr. Gwinn,

The Convention took up for consideration the report submitted this morning by Mr. Merrick, chairman of the committee on Representation, and the amendment offered thereto by Mr. Gwinn;

Mr. Brown, moved to make said report and amendment the order of the day for Friday next, the 13th inst.

Mr. Kilgour, moved that said report and amendment be made the order of the day for the 2nd Monday of January next.

Determined in the affirmative.

On motion of Mr. Magraw,

The Convention adjourned until to-morrow morning 11 o'clock.

THURSDAY, December 12th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention reports from the clerks to the commissioners of tax for Washington, St. Mary's and Carroll counties, in obedience to the order of the Convention of the 2nd inst., in relation to fees and perquisites allowed and paid to the Attorney General and his Deputies.

Which were read and severally referred to the committee appointed on the Attorney General and his Deputies.

The President also laid before the Convention a communication from the Secretary of the State of Main, transmitting certain reports of the Board of Education of that State, and also pamphlet sheets containing their revised School Laws.

Which was read, and

Referred to the committee on Education.

Mr. Dorsey submitted the following order:

Ordered, That the committee on the Executive Department be instructed to inquire whether a due regard to the morality and religion of the good people of the State, to that security and protection which justice and an enlightened public

policy require should be provided for the rights, liberty and property of the citizens of the several counties of this State and the city of Baltimore; and whether a like regard for the upright and faithful administration of public justice, and the laws of the land do not render it expedient that the present mode of electing the Governor of the State should be changed and in the event of such expediency appearing to the committee, it is instructed to report to this Convention the necessary constitutional provisions to effect such change, which shall provide, that the Governor of Maryland shall henceforth be chosen by an electoral college consisting of one member elected by each county of the State, and one by the city of Baltimore, and that the election of Governor by said college, shall be by ballot, and the person having a majority of all the electoral votes cast, shall be declared duly elected, and the number of ballots or votes which each elector is authorised to put into the ballot box, shall be as follows, viz : The elector from the city of Baltimore shall give votes, from the county of Frederick votes, from Washington county votes, from the county of Baltimore votes, and in like manner as to all the other counties of the State.

Which was read.

After debate thereon, and at 25 minutes of 3 o'clock, P. M.

Mr. Kilgour, moved the previous question, which motion was not sustained.

Mr. Brown, moved that the House adjourn,

Determined in the negative.

The question then recurred and was put on the adoption of order; and

Determined in the affirmative.

On motion of Mr. Smith, it was

Ordered, That the Legislative committee inquire into the expediency of dividing Allegany county, and forming another county west of Cumberland, to be called "McHenry county."

On motion of Mr. Hicks, it was

Ordered, That committee, No. 14, be requested to inquire into the propriety, and report to this Convention, the expediency of providing by the Bill of Rights and Constitution, now in preparation, to be submitted to the people of the State for their ratification, a provision in said Bill of Rights and Constitution, whereby the Eastern Shore and the people thereof—if they shall hereafter judge it for their interest and happiness to separate it and themselves from the Western Shore, that the right so to do shall thereby be acknowledged; provided, such determination shall be manifested and determined by a majority of the qualified voters of the Eastern Shore, and provided the said Eastern Shore shall unite with the State of Delaware, so as to prevent an additional State to the Union by such separation of the Eastern Shore from the Western Shore of Maryland.

On motion of Mr. Dent, it was

Ordered, That the committee on the Legislative Department

inquire into the expediency of engrafting upon the Constitution some provision restricting future Legislatures from the passage of any laws imposing pecuniary penalties for misdemeanors, which shall, in any wise, enure to the benefit of the informer.

On motion of Mr. Dent, it was

Ordered, That committee, No. 14, inquire into the expediency of reporting some constitutional enactment, by authority of which the future Legislatures of the State, shall have power to pass laws providing for the removal of the free colored population from the State of Maryland.

On motion of Mr. Randall, it was

Resolved, That the committee to consider and report respecting the Elective Franchise, inquire into the expediency of requiring that persons hereafter naturalized, shall remain in this State one year after naturalization before they shall be entitled to vote at any election.

On motion of Mr. Smith,

The Convention adjourned until to-morrow morning, 11 o'clock.

FRIDAY, December 13th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Chambers, of Kent, chairman of the committee on the Elective Franchise, submitted the following

REPORT:

The committee on the Elective Franchise beg leave to report the following articles:

Section 1. That every free white male person who shall have been a citizen of the United States for thirty days—and a resident of this State for one year next preceding the election, and of the county for six months, shall be entitled to vote in the election district in which he shall reside, in all elections hereafter to be held; and at all such elections, the votes shall be taken by ballot and not viva voce.

Sec. 2. That if any person shall give any bribe present or reward, or any promise or any security for the payment or delivery of any money, or any other thing to obtain or procure a vote for any candidate proposed or voted for as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust now created or hereafter to be created by the constitution or laws of this State,

the person giving and the person receiving the same, shall on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

Sec. 3. That no person duly convicted of larceny or other infamous crime, shall ever thereafter be entitled to vote at any election in this State, and no person under guardianship as a lunatic, or person non compos mentis shall be entitled to vote.

Which was read, and laid on the table.

Mr. Brown, gave notice that he dissented from said report as a member of said committee.

On motion of Mr. Neill, it was

Ordered, That the committee on the Militia and Military affairs inquire into the expediency of exempting from all Militia or Military services, such persons as are conscientiously scrupulous of bearing arms.

Mr. Davis, submitted the following resolution :

Resolved, That the use of the Hall of the Convention, be and is hereby tendered to the Rev'd Thomas L. Hamner, Agent of the American Sunday School Union, for 3 o'clock P. M. on Sunday, the 15th inst.

Which was twice read.

On the question being put on the adoption of said order, it was Determined in the affirmative.

On motion of Mr. Davis,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Sellman, Weems, Dalrymple, Sollers, Jenifer, Bell, Welsh, Chandler, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Miller, Sprigg, McCubbin, Dirickson, Shriver, Biser, Annan, Magraw, Nelson, Carter, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Davis, Waters, Brewer, Anderson, Fitzpatrick, Smith, Ege, Cockey and Parke—52.

NEGATIVE.—Messrs. Kent, Buchanan, Lloyd, Wright, Thawley, Stewart of Caroline, Michael Newcomer, Weber, Hollyday and Brown—10.

So the order was adopted.

On motion of Mr. Neill, it was

Ordered, That the committee on the Legislative Department, inquire into the propriety of requiring all new counties hereafter created to contain a population of not less than thousand.

Mr. Ege, presented a petition of P. Konig and others, "Reubenites of the city of Baltimore," praying that a clause may be engrafted in the new constitution, to make the election of Governor take place at the first election after the adoption of said new constitution, and in relation to frauds practiced at said elections, &c.

Which was read.

Mr. Brown, moved to lay said petition on the table.

Mr. Neill, moved for the yeas and nays, which being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, President, Lee, Chambers, of Kent, Wells, Sellman, Bell, Chandler, Sprigg, George, Wright, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Thawley, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke and Brown—29.

NEGATIVE.—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Mitchel, Dorsey, Randall, Kent, Sollers, Jenifer, Buchanan, Welsh, Lloyd, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Miller, Tuck, McCubbin, Dirickson, Gaither, McHenry, Magraw, Stewart, of Caroline, Schley, Fiery, Neill, Harbine, Kilgour, Davis, Waters, Smith, Ege and Cockey—36.

So the Convention refused to lay said petition on the table.

Mr. Schley, then moved that so much of said petition as relates to the election of Governor, be referred to the committee on the Executive Department, and that so much as relates to frauds in elections, be referred to the committee on the Elective Franchise.

The question being put on each motion, were severally Determined in the affirmative.

On motion of Mr. Stephenson, it was

Ordered, That the committee on Corporations inquire into the expediency of imposing the following restrictions on the power to grant charters:

1st. That no Bank charter or other act of incorporation be hereafter passed, and that no charter be renewed, unless two-thirds of all the members elected to each branch of the Legislature assent to the law, and such assent to be recorded with the names of the assenting and dissenting members in the journal of proceedings.

2nd. That no charter be hereafter granted, nor any charter renewed, or in any manner modified or changed, (except for education or charity,) unless a provision be inserted therein, authorising every stockholder, at all times, at his pleasure, to examine and inspect the books, papers and accounts of such corporation.

3rd. That in granting, renewing or modifying, in any manner, charters for banking purposes, they shall be restricted to the business of exchange, discount and deposite; that they shall not be permitted to speculate in real estate, or in the stocks of other corporations, or in merchandize of any kind; that they shall not own any real estate or chattles, except such as may be necessary for their actual use, in the transaction of business, or which may be purchased at legal sale to satisfy debts due such corporation, of which they shall be required to make sale within a reasonable time after purchase.

The President laid before the Convention reports from the clerks to the commissioners of tax for Harford and Somerset counties, in obedience to the order of the Convention of 2nd inst., in rela-

tion to fees and perquisites allowed and paid to the Attorney General and his Deputies.

Which were read, and severally referred to the committee appointed on the Attorney General and his Deputies.

The President also laid before the Convention a report from the Register of the Court of Chancery, in obedience to the order of the Convention of the 15th ultimo, containing statements showing the number of suits brought and disposed of at each term in the Court of Chancery for the years 1846, '47, '48, '49 and '50, and the number of suits in said court, which originated in each of the counties and Howard District and the city of Baltimore, for the years 1846, '47, '48, '49 and '50.

Which was read, and

Referred to the committee on the Judiciary.

On motion of Mr. Brent, of Baltimore city,

The Convention then adjourned until to-morrow morning 11 o'clock.

SATURDAY, December 14th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention communications from the Governors of the States of Vermont, Delaware, Indiana and Ohio, covering the School Laws of their respective States.

Which were read and severally referred to the committee on Education.

The President also laid before the Convention, reports from the clerks of the courts of Worcester, Charles and Montgomery counties, and the Register of Wills for Washington county, in obedience to the order of the Convention of the 15th ult.

Which were severally read and referred to the committee on the Judiciary.

Also, laid before the Convention, reports from the clerk of the Levy Court of Queen Anne's and Cecil counties in obedience to the order of the Convention of the 2nd inst., in relation to fees and perquisites allowed and paid to the Attorney General and his Deputies.

Which were read and severally referred to the committee appointed on the Attorney General and his Deputies.

On motion of Mr. Fitzpatrick, it was

Ordered, That the President of this Convention, be authorised and directed to allow William Cook, (a free colored man) the same compensation for his services as was allowed him by the House of Delegates at its last session.

On motion of Mr. Grason, it was

Ordered, That William Glover, be allowed the per diem of a Doorkeeper, for his services in attending to the committees of the Convention.

On motion of Mr. Harbine, it was

Ordered, That the committee on the Judiciary inquire into the expediency of providing for quarterly sessions of the Courts of common law of the several counties, Howard District and Baltimore city.

On motion of Mr. Eccleston, it was

Ordered, That the committee on future constitutional amendments, inquire into the expediency of incorporating into the new constitution the 59th article of the present constitution, and also the additional provision, "that no Convention for the purpose of altering, amending or re-organizing the constitution, shall be called, unless by a law passed by two-thirds of each branch of the Legislature."

On motion of Mr. Tuck, it was

Ordered, That the committee on the Attorney General and his Deputies, consider the propriety of conferring upon the Governor and Senate the appointment of the Attorney General, and of providing for the election by the Legislature on joint ballot, of a Deputy Attorney General for each county; the Attorney General to be removable at the pleasure of the Governor, and vacancies occurring in the office of Deputy Attorney General to be filled by the Governor until the next meeting of the Legislature.

On motion of Mr. Tuck, it was

Ordered, That the committee on the Bill of Rights consider the propriety of declaring that in all applications for bail, where the party accused resides beyond the limits of the State, bail may be allowed or refused at the discretion of the judge or justice, to whom the application may be made.

On motion of Mr. Brown,

The Convention took up for consideration the report submitted by Mr. Chambers, of Kent, on yesterday, as chairman of the committee on the Elective Franchise.

Mr. Chambers, of Kent, moved to amend the first section of said report by inserting after the word "person," in the 1st line, these words "above the age of twenty-one years;"

Mr. Bowie, moved to amend said amendment, by striking out the same, and substituting in lieu thereof, these words "of twenty-one years of age or upwards, and;"

Mr. Chambers, of Kent, moved for a division of the question, which was put on striking out; and

Determined in the affirmative.

The question then recurred and was put, on the amendment as proposed by Mr. Bowie; and

Determined in the affirmative.

Mr. Brown, moved further to amend said first section by striking out in the second line thereof the words "for thirty days."

Pending the question upon this amendment, and after debate thereon,

Mr. Shriver, moved that the Convention adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 11 o'clock.

MONDAY, December 16th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on Saturday.

Prayer by the Rev. Mr. Graff.

The Proceedings of Saturday were read.

Mr. Brown, submitted the following preamble and resolution:

Whereas, This Convention has passed an order to take a recess by adjourning from the 18th to the 31st of the present month, and whereas, it is right and proper, that when no services are rendered by this body, no money should be paid; Therefore

Be it Resolved, That the members and officers of this Convention shall not be entitled to receive any per diem or other pay, during said recess.

Which was read;

Mr. Bowie, moved to lay said resolution on the table;

Mr. Brown, moved for the yeas and nays,

Which motion was not sustained.

The question then recurred and was put on the motion of Mr. Bowie, to lay said resolution on the table, and

Determined in the affirmative.

Mr. Brent, of Baltimore city, presented the affidavit of Messrs. Konig, Welsh, Knaff, Morgan, Allen and Merriett, stating that the petition presented to the Convention by Mr. Ege, on Thursday last, and purporting to be signed by them as "Reubenites," is a base forgery, and that they never signed any such petition.

Which was read, and

On motion of Mr. Brent of Baltimore city,

Referred to the committee on the Elective Franchise.

On motion of Mr. Jenifer, it was

Resolved, That committee No. 14, consider and report upon

the expediency of engrafting in the new constitution, the same or a similar article as is contained in the present constitution, respecting the relation of Master and Slave.

Mr. Johnson, presented a petition of sundry citizens of Frederick county, praying that a clause be inserted in the constitution for the removal from within the limits of this State, all free people of color.

Which was read, and

Referred to the committee on the Free Colored Population.

On motion of Mr. McHenry,

The Convention resumed the consideration of the unfinished business of Saturday, being the report submitted by Mr. Chambers, of Kent, as chairman of the committee on the Elective Franchise.

The question pending before the Convention being upon the amendment offered by Mr. Brown, to strike out in the 1st section, 2nd line, the words "for thirty days."

After debate thereon, and

At 3 o'clock P. M.;

On motion of Mr. Bowie,

The Convention adjourned until to-morrow morning 11 o'clock.

TUESDAY, December 17th, 1850.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention the following letter from His Excellency, the President of the United States:

WASHINGTON, Dec. 14, 1850.

My Dear Sir:—I have the honor to acknowledge the receipt of the report and resolutions "on the late acts of Congress forming the compromise, &c.," adopted by the Maryland Reform Convention, which you forwarded to me; and beg leave to express the high gratification which I derived from their perusal. I trust that my future conduct will justify the confidence expressed by the Convention, that I will faithfully perform my duty in the present crisis; and I am gratified with the assurance of the co-operation of the people of Maryland, in any emergency which may require it, in support of the laws and constitution of our country.

Truly yours, MILLARD FILLMORE.

Hon. Jno. G. Chapman, Pres't of Con.

Which was read.

The President also laid before the Convention the following letter from the Secretary of State of the United States :

J. G. CHAPMAN, Esq., President of the Convention to revise the Constitution of Maryland, Annapolis :

DEPARTMENT OF STATE,
Washington, 14th December, 1850.

Sir :—I have the pleasure to acknowledge the receipt of your letter of the 12th inst., enclosing a report and resolution unanimously adopted by the Maryland Reform Convention, in relation to the measures of compromise passed by the Congress of the United States at its last session,—for the transmission of which I am greatly obliged to you. The voice of the State of Maryland, expressed by so numerous and respectable a Convention, so recently chosen by the people, cannot but produce great effect upon the public mind, and contribute to discountenance agitations, to produce reconciliation and harmony, and thereby to perpetuate the union of the States.

I am sir, with great respect,

Your obedient servant,

DANIEL WEBSTER.

Which was read.

Mr. Spencer, moved that one thousand copies of said letters be printed for the use of the State, and that one copy be transmitted to the Governor's of each one of the States of this Union ;

It being ascertained that there was no quorum, the question was not put.

The President also laid before the Convention communications from the Governors of the States of Rhode Island and New Jersey, covering the school laws of their respective States ;

Which were read and severally referred to the committee on Education.

Also, reports from the clerks of Carroll, Saint Mary's, Prince George's and Caroline counties, in obedience to the order of the Convention of the 15th ultimo ;

Which were severally read and referred to the committee on the Judiciary.

Also, reports from the clerks of the levy courts of Caroline, Talbot and Montgomery counties, in obedience to the order of the Convention of the 15th ult., in relation to the aggregate valuation and rate of tax, &c., for the years 1842-'3-'4-'5-'6-'7-'8-'9 and 1850.

Which were read and referred to the committee on Representation.

Mr. Sprigg, submitted the following resolution:

Resolved, That the committee on the Legislative Department be instructed to inquire into the expediency of engrafting into the constitution the following article, to wit :

That the sessions of the Legislature shall be annual, and shall commence on the first Monday of January next, ensuuing the adop-

tion of this constitution, and on the same day in every year thereafter, unless the Governor shall, in the interim, convene the Legislature by proclamation, and that the sessions shall terminate on or before the twentieth day of March in each and every year hereafter.

Which was read.

Mr. Presstman, offered the following resolution :

Resolved, That the committee on the Judiciary consider the expediency of providing that in jury trials a less number than the whole shall find a verdict in civil cases.

Which was read.

Mr. Presstman, submitted the following resolution :

Resolved, That the Legislative committee inquire into the expediency of vesting in the Mayor and city Council of Baltimore, certain powers to carry into effect objects of a local character without the interference of the Legislature, and more especially as relates to police regulations, opening and closing streets, collecting taxes for city purposes, &c.

Which was read.

Mr. Weems, submitted the following order:

Ordered, That the committee on the Free Colored Population be requested to inquire into the expediency of engrafting upon the constitution a provision obliging all free negroes or mulattoes to hire themselves to some white person by the year.

Which was read.

Mr. Davis, submitted the following order :

Ordered, That it be referred to committee No. 14, to inquire into the expediency of reporting a constitutional provision to punish by fine and imprisonment, any member of Congress from this State, or member of the State Legislature; or any person holding any office of trust or profit under the laws or constitution of Maryland: who upon conviction by indictment, shall be found guilty of receiving any fee, compensation or reward of any kind or nature whatsoever; for advocating before either branch of the State Legislature, or any member of the same: any claim which any person or persons may have, or set up against the State: the said offence being deemed a high misdemeanor.

Which was read.

The President laid before the Convention a report from the clerk to the commissioners of tax for Montgomery county, in relation to fees paid the Attorney General and his Deputies.

Which was read, and

Referred to the committee appointed on the Attorney General and his Deputies.

The President also laid before the Convention the following communication from His Excellency the Governor of Pennsylvania.

EXECUTIVE CHAMBER,
Harrisburg, December 16th, 1850.

Hon. J. G. CHAPMAN, Pres't. of Convention.

My dear sir:—Your favor enclosing the Report and Resolutions adopted by the Constitutional Convention of Maryland has been received.

I shall most cheerfully comply with your request contained in your letter, by transmitting the documents to the Legislature of this Commonwealth as early as practicable after its assembling.

I have the honor to remain most truly your obedient servant.
WM. F. JOHNSTON.

Which was read.

On motion of Mr. Weems,
The Convention adjourned until to-morrow morning, 11 o'clock.

WEDNESDAY, December 18th, 1850.

The Convention met, there not being a quorum present;
After Prayer by the Rev. Mr. Graff,

On motion of Mr. Brown,

The Convention adjourned in accordance with the order heretofore adopted, until 11 o'clock on Tuesday, the 31st inst.

TUESDAY, December 31st, 1850.

The Convention met, (there not being a quorum present) and after prayer by the Rev. Mr. Graff,

On motion of Mr. Bowie,

The Convention adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, January 1st, 1851.

The Convention met, and having been called to order by Mr. Randall, appointed president pro tempore, by the president, and after prayer by the Rev. Mr. Graff, (a quorum not being present;)

On motion of Mr. Bowie,
The Convention adjourned until to-morrow morning 11 o'clock.

THURSDAY, January 2nd, 1851.

The Convention met, a quorum being present.

Prayer by the Rev. Mr. Graff.

The Proceedings of Wednesday the 18th ult., of Tuesday the 31st ult., and of Wednesday, the 1st inst were read.

Mr. Randall, the President pro tempore, called the attention of the Convention to the 4th Rule, which confers on the President the right to name any member to perform the duties of the Chair, but which substitution shall not extend beyond one week, and suggested doubts as to his right to occupy the Chair by the President's appointment made beyond one week, under said rule. Whereupon.

On motion of Mr. Biser,

Mr. Randall was unanimously elected President pro tempore.

The President pro tempore laid before the Convention a report from the clerk to the commissioners of tax for Baltimore county, in obedience to the order of the Convention of the 15th of November, in relation to the assessable property of said county, &c.

Which was read and referred to the committee on Representation.

Also, laid before the Convention a report from the Register of Wills of Talbot county, in obedience to the order of the Convention of the 15th November.

Which was read and referred to the committee on the Judiciary.

Also, laid before the Convention a report from the Clerk to the commissioners of tax for Baltimore county, in obedience to the order of the Convention of the 2nd ult., in relation to fees paid the Attorney General and his Deputies.

Which was read and referred to the committee appointed on the Attorney General and his Deputies.

Also, a communication from His Excellency the Governor of Massachusetts, covering the tenth annual report of the first Secretary of the Massachusetts Board of Education.

Which was read and referred to the committee on Education.

On motion of Mr. Davis, it was

Ordered, That it be entered upon the Journal, that Mr. Chi-

chester, the Assistant Secretary, is detained at home by severe indisposition, and therefore unable at present to discharge the duties of his office.

Mr. Weber, submitted the following order :

Ordered, That no member or officer of this Convention shall hereafter be allowed his per diem when absent, unless his absence is occasioned by sickness.

Which was read and laid on the table.

Mr. Dorsey, submitted the following order :

Ordered. That standing committee No. 14, enquire into the expediency of reporting an article to be inserted in the constitution of this State, declaring all those parts of the acts of Assembly heretofore or hereafter to be passed, giving power to the Governor or any other person, to release interest on any debt or balance due to the State of Maryland for arrearages of taxes, to be null and void.

Which was twice read.

Mr. Ridgely, moved to amend said order by striking out all from the word "State," in the second line, to the end thereof and inserting in lieu thereof the following: "restricting the Legislature from passing any law, authorising the Governor to remit any part of the public debt, and to prohibit the Governor hereafter from remitting the interest on the public debt."

Which amendment was read.

Mr. Sprigg, moved to amend said order by striking out all after the word "ordered," to the end thereof and inserting the following :

"That the committee on the Executive Department, be instructed to enquire into the expediency of incorporating an article in the constitution, declaring that the Governor of this State shall in no case whatever, have the power of remitting any portion of either principal or interest of any debt or debts which may be due this State, except in cases of fines and forfeitures."

Which was read.

On the question being put, will the Convention accept said amendment? it was

Determined in the affirmative.

The question then recurred upon the adoption of the order as amended.

On motion of Mr. Sprigg,

Said order and amendments were referred to the committee on the Executive Department.

On motion of Mr. Prestman,

The Convention adjourned until to-morrow morning, 11 o'clock.

FRIDAY, January 3rd, 1851.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

On motion of Mr. Sellman, it was

Ordered, That the Treasurer be requested to communicate to this Convention, at his earliest convenience, the amount of arrears of interest on taxes that has been remitted by the Executive, under the provisions of the act of 1842, chap. 207, specifying at the same time the dates when remissions of interest were made, and the names of the collectors to whom such remissions of interest were made.

On motion of Mr. Chandler, it was

Resolved, That the committee on the power of municipal and other corporations, inquire into the expediency of restraining the Legislature from passing any law to authorise any municipal corporation to extend or enlarge its limits, without the consent and approbation of the local authorities of the county, in which said municipal corporation is situated.

On motion of Mr. Stephenson, it was

Ordered, That the committee on the Judiciary inquire into the expediency of prohibiting the imposition of fines greater in amount than fifty dollars, unless it shall be laid by a jury, who shall assess the fine at the same time they find the fact, if they believe the fine should exceed fifty dollars.

Mr. Chapman, the President of the Convention, who has been detained by indisposition, appeared in the Convention.

Mr. Stewart, of Balt. city, chairman of the committee on Printing, submitted the following report:

The committee who were instructed to inquire as to the terms at which a competent reporter could be employed, beg leave to report, that from the offers submitted, the services of a competent reporter can be secured for an amount not exceeding the sum of four thousand dollars; and the whole cost of reports, including printing, will not exceed eight thousand dollars.

All of which is respectfully submitted,

DAVID STEWART, Chairman.

Which was read.

Mr. Jenifer, then offered the following resolution:

Resolved, That the committee on Printing, be authorised to employ immediately, Henry G. Wheeler, to report the debates and proceedings of this Convention, at a price not exceeding \$4,000 ;

Which was read.

Mr. Phelps, moved to postpone said resolution until Tuesday next, the 7th inst. ;

After debate thereon,

Mr. Kilgour, moved the previous question,

And being seconded,

The said previous question was put; that is,
 "Shall the main question be now put?" and it was
 Determined in the affirmative.

The question was then put on the motion of Mr. Phelps, to
 postpone said resolution until Tuesday next, the 7th inst.;

On motion of Mr. Williams,

The question was taken by yeas and nays, and appeared as
 follows :

AFFIRMATIVE.—Messrs. Dorsey, Bell, Ridgely, Dickinson,
 Sherwood, of Talbot, Colston, Crisfield, Williams, Phelps, Shri-
 ver, Gaither, Biser, Sappington, Stephenson, Nelson, Fiery, John
 Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer,
 Smith, Parke Cockey and Brown—26.

NEGATIVE.—Messrs. Chapman, President, Morgan, Hopewell,
 Donaldson, Wells, Randall, Sellman, Bond, Jenifer, Buchanan,
 Welsh, Chandler, Chambers, of Cecil, McCullough, Miller,
 McLane, Bowie, Sprigg, Bowling, Grason, Wright, Thomas, Stew-
 art, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of
 Baltimore city, Pressman, Ware, Kilgour, Anderson, Hollyday
 and Shower—31.

So the Convention refused to postpone the resolution until
 Tuesday next.

The question then recurred upon the adoption of the resolu-
 tion ;

Mr. Mitchell, moved to amend said resolution, by striking out the
 name of "Henry G. Wheeler," and inserting in lieu thereof, the
 words "a competent reporter;"

Mr. Jenifer, moved the previous question, that is,
 "Shall the main question be now put?" and it was
 Determined in the negative.

The question then recurred upon the motion of Mr. Mitchell,
 to amend the resolution by striking out the name of "Henry G.
 Wheeler," and inserting in lieu thereof, the words "a competent
 reporter;"

This amendment being accepted by Mr. Jenifer,

The question then recurred upon the adoption of the resolution
 as amended;

On motion of Mr. Bowie,

The question was taken by yeas and nays, which being ordered
 appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Hope-
 well, Mitchell, Donaldson, Wells, Randall, Sellman, Jenifer,
 Buchanan, Welsh, Chandler, Chambers, of Cecil, McCullough,
 Miller, McLane, Bowie, Sprigg, Bowling, Wright, Thomas,
 Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Pressman,
 Kilgour, Anderson and Hollyday—28.

NEGATIVE.—Messrs. Dorsey, Bond, Bell, Ridgely, Dickinson,
 Sherwood, of Talbot, Colston, Crisfield, Williams, Phelps, Gra-
 son, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson,
 Stewart, of Caroline, Fiery, John Newcomer, Harbine, Michael

Newcomer, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—30.

So the resolution as amended was rejected.

On motion of Mr. Rowie,

The report submitted by Mr. Chambers, of Kent, on the 13th ult., from the committee on the Elective Franchise, was made the special order of the day for Tuesday next, the 7th inst.

On motion of Mr. Smith,

The Convention adjourned until to-morrow morning, 11 o'clock.

SATURDAY, January 4th, 1851.

The Convention met pursuant to adjournment.

Present the same members as on yesterday.

Prayer by the Rev. Mr. Gaff.

The proceedings of yesterday were read.

The President laid before the Convention a report from the Secretary of State and Ex-officio Superintendent of Common Schools of the State of Illinois;

Also, a communication from the President of the Ohio Constitutional Convention;

Also, a report from the Secretary of State of the State of Massachusetts;

Also, a report from the Superintendent of Common Schools of the State of Connecticut;

Also, a report from the Secretary of State of the State of Wisconsin;

Also, a report from the State of Florida;

Also, a communication from His Excellency the Governor of the State of Ohio;

Also, a report from the commissioner of Public Schools of the State of Rhode Island;

Also, a communication from His Excellency the Governor of the State of New Jersey, severally accompanied with reports and acts of Assemblies in relation to Education.

Which were severally referred to the committee on Education.

The President also laid before the Convention a report from the Commissioners of Lotteries, in obedience to the order of the Convention of the 19th November.

Which was read, and

On motion of Mr. Donaldson,

Laid on the table and ordered to be printed.

The President also laid before the Convention a communication from Samuel Tyler, Esq., of Frederick city, asking the at-

tention of the Convention to a letter from him contained in a newspaper, which accompanied his communication.

Which was read and referred to the committee on the Judiciary.

On motion of Mr. Parke, it was

Ordered, That it be entered upon the Journal, that the absence of Mr. Ege, from the Convention, is occasioned by the serious illness of a member of his family.

On motion of Mr. Chandler, it was

Resolved, That the unanimous thanks of this Convention, be tendered to the Hon. Alexander Randall, for the very satisfactory manner in which he has discharged the duties of the Chair, during the absence of the President.

On motion of Mr. Sprigg, it was

Ordered, That the committee on the Executive Department inquire into the expediency of incorporating into the constitution the following articles :

SECTION 1. The Supreme Executive power of this State shall be vested in a Chief Magistrate who shall be styled the Governor of the State of Maryland.

SEC. 2. The first election for Governor, in pursuance of this Constitution, shall be held at the same time and places of electing electors of President and Vice President of the United States in the year eighteen hundred and fifty-two, and at the same time and places in every fourth year thereafter; and every free white male citizen, possessing the legal qualifications of electors of this State, shall be entitled to vote for Governor.

SEC. 3. The returns of every election for Governor, until otherwise provided by Law, shall be made out, sealed up, and transmitted to the seat of Government, and directed to the Speaker of the House of Delegates, who shall, during the first week of the next session of the Legislature thereafter, open and publish them in the presence of both Houses of the Legislature; and the person having the highest number of legal votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest, and an equal number of votes, one of them shall be immediately chosen Governor by joint vote of both Houses of the Legislature. Contested elections for Governor shall be determined by both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the first Monday of January eighteen hundred and fifty-three, and for the same term, and from the same day, in every fourth year thereafter, and until his successor shall be duly qualified.

SEC. 5. No person who shall be hereafter elected Governor of this State, in pursuance of the provisions of this Constitution, and shall act as such, shall be again eligible until, and after the expiration of the next succeeding six years; he shall be, at least, thirty years of age, a native born citizen of the United States, a citizen of this State for ten consecutive years and an actual resident of the Guber-

natorial district from which he may be taken, three whole years next preceding his election.

SEC. 6. The first Governor elected under the provisions of this constitution, shall be taken from the counties of St. Mary's, Charles, Calvert, Prince George, Anne Arundel (including the city of Annapolis,) Montgomery, and the city of Baltimore; which said counties and city, shall, together constitute, and be known as the first gubernatorial district; at the second election he shall be taken from the counties of Cecil, Kent, Queen Anne, Caroline, Talbot, Dorchester, Somerset and Worcester, which said counties shall, in like manner, together constitute and be known as the second gubernatorial district; and the third election he shall be taken from the counties of Baltimore, Harford, Carroll, Frederick, Washington, and Allegany, which said counties shall in like manner, together constitute, and be known, as the third gubernatorial district.

SEC. 7. He shall at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected which compensation shall be _____ dollars per annum.

SEC. 8. No person holding the office of Governor, shall hold any other office or commission, Civil or Military, nor receive the perquisites, or any part of the perquisites, of any other office.

SEC. 9 He shall be the Commander-in-Chief of the Army and Navy of this State, and of the Militia, except when they may be called into the service of the United States; and shall, (by and with the advice and consent of the Senate,) appoint and commission all the officers of the Militia; and all commissions shall be in the name and by the authority of the State of Maryland, be sealed with the seal of the State, signed by the Governor, and attested by the Secretary of State; and the seal of the State heretofore used as such, shall be the future seal of this State and be kept by the Governor and used by him officially.

SEC. 10. He may by proclamation, should the public exigencies require it, convene the Legislature at the Seat of Government or at a different place, should the seat of government be at the time visited by any infectious disease, or be in the actual possession of a public enemy; and when assembled he shall, in writing, state to them the purposes for which they were assembled; but they shall transact no legislative business other than that for which they were so specially assembled. He shall reside at the seat of Government, and the city of Annapolis shall continue to be the seat of Government of this State.

SEC. 11. He shall, from time to time, give to the Legislature information in writing, of the state of the Government, and recommend to their consideration such measures as he may deem expedient.

SEC. 12. He shall take care that the laws be faithfully executed.

SEC. 13. He shall have power to grant nolle prosequies, and, after conviction, to grant reprieves, commutations and pardons, for

all offences, except treason and cases of impeachment, upon such conditions, restrictions and limitations as he may think proper, subject, nevertheless, to such regulations as may be provided by law relative to the manner of applying for pardons; and, under such rules as the Legislature shall prescribe, he shall have power to remit fines and forfeitures. In cases of Treason, he shall have power, by and with the advice of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, suspend the execution of the sentence untill the next meeting of the Legislature, to which he shall report the case, and the Legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall annually communicate to the Legislature the number of nolle prosequies granted during the year, and also each case of reprieve, commutation and pardon granted for the same time, and he shall state the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of the commutation, suspension, pardon or reprieve.

SEC. 14. He shall have power to fill all vacancies in the civil offices of the government which may occur during the recess of the Legislature; and all such appointments, so made, shall be valid and remain good to the end of the first session of the Legislature thereafter.

SEC. 15. He shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers of the State whose offices are, or may be created by law, and whose appointment shall not be otherwise provided for by the Constitution and Form of Government, or by any law not inconsistent with the Constitution and Form of Government.

SEC. 16. He may remove any of the civil officers of the Government (of his appointment) upon satisfactory evidence of any malfeasance in office; but shall report every such case to the Legislature at the next session thereafter.

SEC. 17. He may call out the Militia to repel invasion, suppress insurrection, and to enforce, if needs be, the execution of the laws.

SEC. 18. There shall be a contingent fund of dollars placed at the control of the Governor, to be expended by him for such purposes only, as may appear to him necessary to the faithful discharge of his duties, and he shall report annually to the Legislature the amount expended, the objects and purposes for which said amount so expended, was incurred.

SEC. 19. The Governor, before he enters upon the duties of his office, shall, in the presence of both Houses of the Legislature, take and subscribe the following oath:

I do solemnly swear or affirm upon the Holy Evangelley of Almighty God, that I will support the Constitution and the Laws of the State of Maryland so help me God.

SEC. 20. There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor, by the same persons, and

in the same manner, and from the same Gubernatorial District, who shall continue in office for the same time and possess the same qualifications.

In voting for Governor and Lieutenant Governor, the electors shall distinguish for whom they vote as Governor, and for whom they vote as Lieutenant Governor. (The Lieutenant Governor shall, by virtue of his office, be President of the Senate, and shall when the Senate is equally divided, give the casting vote.) In case of the death, resignation, removal from office, inability or refusal of the Governor to serve, or of his impeachment, or absence from the State, the Lieutenant Governor shall exercise the power and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified, or until the Governor impeached, absent or disabled shall be acquitted, return, or his disability be removed.

SEC. 21. Whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as President of the Senate, the Senate shall elect one of their own members as President for the time being, and if during the vacancy of the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve or be removed from office, or be unable to serve or if he shall be impeached or be absent from the State, the President of the Senate for the time being, shall in like manner administer the Government until he shall be superceded by a Governor or Lieutenant Governor. The Lieutenant Governor shall whilst he acts as President of the Senate, receive for his services the same compensation which shall be allowed to the Speaker of the House of Representatives and no more; and during the time he shall administer the Government as Governor, he shall receive the same compensation which the Governor would have received for the same time. The President of the Senate for the time being shall in like manner, during the time he shall administer the Government receive the same compensation which the Governor would have received. If the Lieutenant Governor shall be required to administer the Government, and shall, whilst in such administration, die, resign, or be absent from the State during the recess of the Legislature, it shall be the duty of the Secretary of State, to convene the Senate for the purpose of choosing a President for the time being.

SEC. 22. There shall be an Attorney General of the State, who shall be appointed by the Governor, by and with the advice and consent of the Senate; and there shall be a Secretary of State, who shall also be appointed by the Governor, by and with the advice and consent of the Senate, both of whom shall continue in office during the term of service of the Governor by whom they shall be so appointed, subject, nevertheless, to removal for cause, and the Secretary shall keep a fair register of all official acts and proceedings of the Governor, and shall whenever required, lay the same and all papers, minutes and vouchers relative thereto, before the Legislature or either house thereof; and shall perform such

other duties as may be required of him by law. He shall receive as compensation for his services, such sum per annum, as the Legislature may by law allow, but which shall neither be increased or diminished during the term for which he shall have been appointed.

SEC. 23. The Governor shall, in no case whatever, have the power to remit any portion of the principal or interest of any debt or debts which may be due to this State, except in cases of fines and forfeitures.

SEC. 24. Nominations to fill all vacancies that may occur during the recess of the Senate, and which the Governor has the power to make, shall be made to the Senate at least twenty days before the end of the next session thereafter; and should any nomination so made, be rejected by the Senate, the same individual shall not again be nominated during the session, except at the request of the Senate, to fill the same office; nor be appointed to the same office during the recess of the Senate. And should the Governor fail to make nominations to fill any vacancy existing during the session of the Senate, which vacancy may have occurred during its recess, such vacancy shall not be filled until the next meeting of the Senate.

SEC. 25. A Treasurer and Comptroller of public accounts shall be elected by the joint ballot of both Houses of the Legislature at its January Session eighteen hundred and fifty-three, and at every fourth Session thereafter; and in case of a vacancy in either of said offices during the recess of the Legislature, such vacancy shall be filled by the Governor, which appointment shall continue until the close of the next Session of the Legislature thereafter.

SEC. 26. The Governor shall transact all executive business with the officers of Government, Civil and Military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

SEC. 27. Whenever the Governor shall with the consent of the Legislature be out of the State in time of War, at the head of any Military force thereof, he shall nevertheless continue Commander-in-Chief of the Military force of the State.

On motion of Mr. Presstman, it was

Ordered, That the Legislative committee inquire into the expediency of adopting a permanent and uniform system of taxation, for State purposes, and that provision be therein made to define clearly what are legitimate objects of taxation, to guard carefully against double taxation in any form, to prohibit taxes being levied upon one description of property upon a higher rate than is paid by all other kinds of property, to prohibit any exemptions of property from State or local taxation, unless for religious, charitable or educational purposes—and that taxation shall be made proportionate to the actual value of the property taxed, and that all bonds, mortgages, judgments and other evidences of debt shall not be taxed as personal property, but that any person or

persons holding any bond, mortgage, judgement or any other evidence of indebtedness, which are liens on real estate, shall be liable to the person or persons to whom the same shall have been taxed for his, her or their portion of said tax in proportion to the interest, he, she or they may have held or own in said real estate.

On motion of Mr. Smith, it was

Ordered, That the committee upon Corporations, inquire into the expediency of making such provision in the Constitution, as will require all charters for rail roads hereafter granted by the Legislature, to have a uniform system of charges throughout :

Mr. Bell, submitted the following resolution :

Resolved by this Convention, that the per diem of each member during the recess, the per diem of each officer connected with this Convention, (the President excepted,) the per diem of each absent member until he returns to his duty, and the per diem of each member at or during any time past that he has been absent, unless detained by disease, be applied to the special purpose of obtaining a Reporter.

Which was read,

Mr. Bowie moved to lay said resolution on the table,

Determined in the affirmative.

Mr. Bell moved for the yeas and nays,

Which motion was not sustained.

Mr. Stewart, of Caroline, submitted the following resolution :

Resolved, That no member or officer of this Convention, receive pay for the time that he may be absent from the Convention, except his absence be occasioned by sickness, and in case any member or officer hath received pay for the time that he was absent, unless occasioned by sickness, then the amount that said member or officer hath received for the time that he was absent, shall be deducted from the per diem that may be due him for the time he hath attended or may attend the Convention, and that no member or officer receive pay for the recess.

Which was twice read.

On the question being put,

“Will the Convention adopt said resolution ?”

Mr. Brown moved for the yeas and nays,

Which being ordered appeared as follows :

AFFIRMATIVE—Messrs. Michell, Dickinson, Sheewood, of Talbot, Gaither, Sappington, Stephenson, Nelson, Stewart, of Caroline, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Parke, Shower, Cockey and Brown—19.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Donaldson, Wells, Randall, Bond, Sollers, Merrick, Jenifer, Buchanan, Bell, Welch, Ridgely, Crisfield, Williams, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Wright, Thomas, Shriver, Biser, McHenry, Gwinn, Brent, of Balt. city, Pressman, Ware, Schley, Neill, Kilgour, Anderson, Hollyday and Smith.—41.

So the resolution was rejected.

The President informed the Convention, that he had been requested by the Governor, to ask the Convention to witness the inauguration of Hon. E. Louis Lowe, the Governor elect.

On motion of Mr. Bowie, it was

Ordered, That this Convention will attend in a body, the inauguration of the Governor elect on Monday next at 12 o'clock.

Mr. Stewart, of Caroline, moved to reconsider the vote of the Convention upon the resolution rejected yesterday, authorising the committee on Printing to employ a Reporter.

Pending the question upon this motion,

Mr. McLane moved that the Convention adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 11 o'clock.

MONDAY, January 6th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Griffith.

The Proceedings of Saturday were read.

The President laid before the Convention a report from the Register of Wills for Prince George's county, in obedience to the order of the Convention of the 15th November, in relation to the receipts and expenses of his office.

Which was read and referred to the committee on the Judiciary.

Mr. Smith submitted the following order :

Ordered, That from and after to-morrow, this Convention will meet at 10 o'clock, A. M.

Which was twice read.

Mr. Tuck, moved to lay said order on the table.

Mr. Smith, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Randall, Sellman, Weems, Sollers, Merrick, Jenifer, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Hodson, Goldsborough, Phelps, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Presstman, Ware, Davis, Kilgour and Waters.—30.

NEGATIVE —Messrs. Hicks, Grason, Wright, Dirickson, McMaster, Jacobs, Gaither, Sappington, Stephenson, Nelson, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbinc, Michael Newcomer, Brewer,

Anderson, Weber, Slicer, Smith, Parke, Shower Cockey and Brown—28.

So the order was laid on the table.

The President announced that the question before the Convention was the motion of Mr. Stewart, of Caroline, pending on Saturday last, to reconsider the vote of the Convention upon the resolution authorising the committee on Printing to employ a Reporter.

Mr. Merrick, moved that the consideration of the same be postponed until to-morrow.

On motion of Mr. Phelps,

The Convention was called.

On motion of Mr. Parke,

Further proceedings under the call was dispensed with.

The question was then put on the motion of Mr. Merrick, to postpone the consideration of the motion of Mr. Stewart, of Caroline until to-morrow, and

Determined in the affirmative.

The hour of 12 o'clock having arrived, the Convention in accordance with the order adopted on yesterday, proceeded to the Senate Chamber, and witnessed the Inauguration of the Honorable E. Louis Lowe, the Governor elect.

The President with the rest of the members returned and resumed the Chair.

Mr. Jenifer, submitted the following resolution:

Resolved, That the President request of the Governor a copy of his Inaugural Address delivered this day in the Senate Chamber in the presence of this Convention, and that copies be printed for the use of the Convention.

Which was read.

On motion of Mr. Presstman,

The blank in said resolution was filled with "five thousand;"

The said resolution was then adopted.

On motion of Mr. Jenifer,

The Convention adjourned until to-morrow morning 11 o'clock.

TUESDAY, January 7th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention a report from the register of wills for Caroline county, in obedience to the order of the Convention of the 15th of November, in relation to the receipts and expenses of his office;

Which was read and referred to the committee on the Judiciary.

Also, laid before the Convention a report from the clerk to the levy court of Caroline county, relative to the amount of fees and perquisites allowed the Deputy Attorney General by the levy court of said county;

Which was read and referred to the committee appointed on the Attorney General and his Deputies.

Also, a communication from the Secretary of State of the State of New York, and a communication from the Governor of the State of Iowa, covering the statutes of the respective States, relating to common schools;

Which were severally read and referred to the committee on Education.

The President announced the appointment of the following standing committee, upon the order submitted by Mr. Jacobs, in relation to the "Free Colored Population:"—Messrs. Jacobs, Sprigg, Sellman, Crisfield, Brown, Kilgour and Carter.

The President laid before the Convention the following communication from the President of the Indiana Constitutional Convention:

INDIANAPOLIS, Ia., Dec. 30th, 1850.

Hon. J. G. Chapman, President

Constitutional Convention of Maryland:

Sir,—Your communication enclosing a copy of a report and resolutions adopted by said Convention relative to the compromise acts passed by Congress at its last session, has been received by me, and presented to the Constitutional Convention of Indiana; whereupon, the Convention adopted the following resolution, viz:

Resolved, That the President acknowledge the receipt of the resolutions just received from the Constitutional Convention of Maryland, and that he transmit to the President of said Convention the resolutions heretofore passed by this Convention relative to the series of acts usually called "the compromise acts passed at the last session of Congress."

In obedience to the said resolution I herewith enclose to you a copy of the aforesaid resolutions.

I have the honor to be, very respectfully yours,

G. W. CARR, Pres. Ia.

Const'l Conv'n.

WHEREAS, the Congress of the United States passed at its last session, a series of Acts, commonly called the Compromise mea-

tures; and whereas, certain misguided individuals, in various States of the Union, have expressed their determination to resist a portion of its laws; therefore,

Be it resolved, That in the opinion of this Convention, the common sentiment of the people of Indiana sustains and endorses, in their general features and intention, the said series of Compromise measures as passed by Congress, and recognizes, in the success of these measures, an earnest of security and perpetuity to our glorious Union.

Resolved, That whatever may be the opinions of individuals as to the wisdom or policy of the details of one, or any of the acts of Congress above referred to, it is the duty of all good citizens to conform to their requisitions, and to carry out, in good faith, the conditions of that Compromise on the subject of domestic slavery which is coeval with the Federal Constitution.

Resolved, That a copy of this Preamble and Resolutions be transmitted to the Governors of each State and Territory of the United States, and to each of our Senators and Representatives in Congress.

Adopted by the Constitutional Convention of Indiana, Dec. 3, 1850.

G. W. CARR, President.

WM. H. ENGLISH, Secretary.

Which was read.

Mr. Dorsey, rose to a question of privilege, and said he wished to make a personal explanation;

The President put the question to the Convention, whether the gentleman should be permitted to make a personal explanation, and it was

Determined in the affirmative.

Mr. Dorsey, having made his explanation;

The President announced that the hour had arrived for taking up the special order of the day, being the report of the committee on the Elective Franchise;

Mr. Kilgour, moved to postpone the order of the day;

Determined in the affirmative.

On motion of Mr. Merrick,

The Convention resumed the consideration of the unfinished business of yesterday, being the motion of Mr. Stewart, of Caroline, to reconsider the vote of the Convention upon the resolution authorising the committee on Printing, to employ a Reporter;

On the question being put,

"Will the Convention reconsider their vote on said resolution?"

Mr. Bowie, moved for the yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Hope-well, Ricaud, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Sellman, Weems, Dahymple, Bond, Sollers, Merrick, Jenifer, Buchanan, Welch, Chandler, Lloyd, Hodson, Goldsborough, Chambers, of Cecil, McCullough, Miller, McLane, Bewie, Tack,

Sprigg, Bowling, Grason, George, Wright, Dirickson, McMaster, Thomas, McHenry, Magraw, Thawley, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent of Balt. city, Presstman, Ware, Kilgour, Waters, Anderson, Hollyday and Fitzpatrick—50.

NEGATIVE—Messrs. Dorsey, Kent, Bell, Dickinson, Sherwood, of Talbot, Colston, Crisfield, Dashiell, Williams, Hicks, Eccleston, Phelps, McCubbin, Jacobs, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson, Hardcastle, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Slicer, Smith, Parke, Cockey and Brown—34.

So the Convention reconsidered their vote.

The question then recurred upon the adoption of the resolution,

Mr. Stephenson, moved to amend said resolution by adding at the end thereof the following, "for the entire session of this Convention ;"

Mr. Davis, moved to amend said amendment by adding at the end thereof the following proviso :

"Provided, said expense is allowed and paid, by the first Legislature, that shall assemble after the new Constitution goes into effect."

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Stephenson ;

Mr. Jenifer, accepted this amendment.

The question then recurred upon the resolution as amended.

On motion of Mr. Sollers,

Said resolution was further amended by adding at the end thereof these words, "from this time."

The question again recurred upon the resolution as amended.

On the question being put on the adoption of said resolution.

Mr. Harbine, moved for the yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Sellman, Weems, Dalrymple, Sollers, Merrick, Jenifer, Buchanan, Welch, Chandler, Lloyd, Hodson, Goldsborough, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, Bowling, Grason, George, Wright, Dirickson, McMaster, Thomas, McHenry, Magraw, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Ware, Kilgour, Waters, Anderson, Hollyday and Fitzpatrick—49.

NEGATIVE—Messrs. Dorsey, Kent, Bond, Bell, Dickinson, Sherwood, of Talbot, Colston, Crisfield, Dashiell, Williams, Hicks, Eccleston, Phelps, McCubbin, Jacobs, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson, Hardcastle, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Slicer, Smith, Parke, Cockey and Brown—36.

So the resolution as amended was adopted.

Mr. Jenifer then offered the following resolution.

Resolved, That the committee on Printing be authorised to employ a competent Printer immediately, to print the debates and proceedings of this Convention, at a price not exceeding six thousand dollars;

Which was read,

Mr. Gwinn, moved to amend said resolution by adding at the end thereof the following:

“And that the said committee be authorised to receive proposals and that the said contract be given to the lowest competent bidder.”

Which was read.

Mr. Phelps, moved to amend said amendmant by inserting after the word “competent,” the words “and responsible;”

Determined in the affirmative.

Mr. Stephenson, moved fuither to amend said amendment by adding at the end thereof the following:

“And that said contract be reported to this Convention for its confirmation or rejection;”

Determined in the negative.

The question then recurred and was put upon the amendment as offered by Mr. Gwinn, and amended on the motion of Mr. Phelps, and

Determined in the negative.

The question then recurred upon the adoption of the original resolution as offered by Mr. Jenifer.

Mr. McMaster, moved to amend said resolution by striking out “six thousand,” and inserting in lieu thereof “five thousand;”

Mr. Brown, moved for a division of the question upon striking out.

Mr. Jenifer, accepted the amendment to insert “five thousand;”

Mr. Weems, then moved to amend said resolution by striking out “five thousand,” and inserting in lieu thereof “four thousand;”

Mr. Jenifer, accepted this amendment.

The question then recurred upon the original resolution as amended.

Mr. Dirickson, offered as a substitute for said resolution the following:

Ordered, That the committee on Printing be authorised to procure the printing of the reporting of the Debates, at a sum not exceeding four thousand dollars;

Mr. Jenifer, accepted the substitute.

The question then recurred upon the adoption of the order.

Mr. Weber, moved to amend said order by striking out the words “at a sum not exceeding four thousand dollars;”

Determined in the negative.

The question then recurred and was put on the adoption of the order, and

Determined in the affirmative.

On motion of Mr. Phelps,

The Convention adjourned until to morrow morning 11 o'clock.

WEDNESDAY, January 8th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Griffith.

The Proceedings of yesterday were read.

Mr. Thomas, moved that he be excused by the Convention from serving on the committee on the Judiciary, as he must be unavoidably absent for a few days.

On the question being put, on excusing him, it was

Determined in the affirmative.

The president laid before the Convention, the following communication from His Excellency, Governor Lowe:

ANNAPOLIS, January, 7th, 1851.

HON. JOHN G. CHAPMAN,

Sir:—I have the honor to acknowledge the receipt of your letter of the 6th inst., enclosing a copy of a resolution passed by the Convention now sitting, by which you are authorised to request of me a copy of my Inaugural Address for publication.

I herewith enclose a copy, in compliance with the desire of the Convention, and take occasion to express my due appreciation of the distinguished honor they have conferred. I take the liberty of sending a printed copy, rather than the manuscript, as the former may prove more convenient for the purpose.

Accept the assurance of my high regard and believe me, very respectfully, your obedient servant,

E. LOUIS LOWE.

Which was read.

On motion of Mr. Ware, it was

Ordered, That it be entered upon the Journal, that Mr. Sherwood, of Baltimore city, is detained from his seat in the Convention by indisposition.

On motion of Mr. Davis, it was

Ordered, That the committee on Education, be instructed to inquire into the expediency of providing within the State, for an Institution to be called a Normal, or High School or College, to receive young men of promise and talent, with a view to educate them for the important office of teachers for Common or other Schools, so that Managers, or Superintendents, may not have to take the rejected of other States as principal conductors of our Schools, and further that the said committee also inquire into the expediency of recommending the appointment of a General Superintendent of Education.

Mr. Brent, of Baltimore city, rose to a question of privilege, and said he wished to make a personal explanation.

The President put the question to the Convention, whether the gentleman should be permitted to make a personal explanation, and it was

Determined in the affirmative.

Mr. Brent, of Baltimore city, having made his explanation,

Mr. Chandler, submitted the following resolution :
Which was twice and adopted.

Resolved, That committee No. 14, inquire into the expediency of adding the following section to the constitution, viz : any person who shall after the adoption of the constitution fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send, or accept a challenge for that purpose, or be an aider or abetter in fighting a duel, shall be disqualified from holding any office of honor or trust in this State, and forever deprived of the right of suffrage; and that the killing of any person in a duel, or the aiding and abetting the same, shall be murder in the first degree, and the estate of the survivor, shall be responsible for compensation to the wife and children of the slain.

On motion of Mr. Thomas, it was

Ordered, That the Secretary have prepared for the use of this Convention, a map showing the boundaries of the several counties of this State, of Howard district, and of the city of Baltimore, the boundaries of the several election districts of the several counties of this State and of Howard district, and the boundaries of the several wards of the city of Baltimore, with tabular statements showing the number of whites, free black and slave population of the several counties of this State, of Howard district, and of the city of Baltimore, and the number of the white, free black and slave population, of the several election districts of the several counties of the State, and the several election districts of Howard district, and of the several wards of the city of Baltimore.

The hour having arrived for taking up the order of the day, the Convention proceeded to consider the report submitted by Mr. Chambers, of Kent, on the 13th ultimo, as chairman of the committee on the Elective Franchise.

The question pending before the Convention, being upon the motion of Brown, to amend the first section by striking out in the 2nd line thereof the words "for thirty days."

On the question being put,

"Will the Convention adopt said amendment?" it was

Determined in the affirmative.

Mr. Chambers of Kent, then moved to amend said 1st section by substituting in lieu of the words just stricken out, the words "for six months."

Pending the question upon this amendment,

At 3 o'clock, P. M.,

Mr. Gwinn, moved the Convention adjourn ;

Which motion he waived to enable Mr. Morgan to give notice that on to-morrow he should move a reconsideration of the vote of the Convention of the 6th inst., directing the printing of five thousand copies of the address of the Governor.

The Convention then adjourned until to-morrow morning 11 o'clock.

THURSDAY, January 9th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Grason, chairman of the committee on the Executive Department, submitted a report;

Which was read, and

On motion of Mr. Grason,

Ordered to be printed and made the order of the day for Tuesday next, 14th inst.

On motion of Mr. Michael Newcomer, it was

Resolved, That the committee on Inspection inquire into the expediency of so reporting that the Governor shall annually appoint all the Inspectors in this State except the General Inspector of flour, who he shall appoint for three years, to be confirmed by the Senate if in session, if not at its first session thereafter; the General Inspector, to have the right to suspend any Inspector for neglect of duty, and to reinstate him, or appoint another for the time being, and to regulate the inspections for the convenience of the dealers in the city of Baltimore.

The President laid before the Convention, a report from the clerk of the Court of Appeals for the Eastern Shore, in obedience to the order of the Convention, in relation to the number of cases argued and decided in said Court during the years 1815, '16, '17, '18, '19 and 1820, &c.

Which was read and referred to the committee on the Judiciary.

Mr. Stewart, of Baltimore city, chairman of the committee on Printing moved that said committee on Printing have leave to sit during the session of the Convention, in reference to the employment of a Reporter to report the debates of the Convention.

After debate thereon;

The President announced that the hour had arrived for taking of the order of the day.

Mr. Jenifer, moved to postpone the consideration of the order of the day.

Determined in the affirmative.

The question then recurred upon the motion of Mr. Stewart, of Baltimore city.

Mr. Chambers, of Kent, offered as a substitute for said motion the following:

Ordered, That the committee on Printing have leave to retire and complete the contract with the Reporter, which the chairman has stated they are prepared to conclude, reserving to the Convention the power to rescind the contract, if the character of the reports shall not be such as the Convention approves.

Which was read.

Mr. Stewart, of Baltimore city, accepted said substitute.

The question then recurred and was put on the adoption of the order, and

Determined in the affirmative.

The President announced the appointment of Mr. Morgan, on the committee on the Judiciary, in place of Mr. Thomas, who was excused by the Convention from serving on said committee.

The convention then proceeded to the consideration of the order of the day, being the report submitted by Mr Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise.

The question pending before the Convention, being upon the motion of Mr. Chambers, of Kent, to amend the 1st section, 2nd line, by inserting the words "for six months," in lieu of the words "for thirty days," which was stricken out by the vote of the Convention on yesterday.

After debate thereon,

And, at 3 o'clock, P. M.;

On motion of Mr. Brent, of Baltimore city,

The Convention adjourned until to-morrow morning, 11 o'clock.

FRIDAY, January 10, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention a report from the Register of Wills of Somerset county in obedience to the order of the Convention in relation to the receipts of his office ;

Which was read and referred to the committee on the Judiciary.

On motion of Mr. Colston, it was

Ordered, That the committee on the Legislative Department, inquire into the expediency of incorporating an article in the constitution, making Ministers of the Gospel, that are without a pastoral charge, eligible to a seat in the Legislature, or hold any office of profit or trust in the State.

Mr. Anderson, presented an account of the clerk of Montgomery county court, for making out statements and searches under the order of the Convention.

Also an account of the clerk to the commissioners of the tax for Montgomery county, for making out statements under the order of the Convention.

Which were, on motion of Mr. Anderson, referred to the committee on Accounts.

Mr. Jenifer, gave notice that when the order of the day came up being the report submitted by Mr. Chambers, of Kent, as chairman

of the committee on the Elective Franchise, he should submit the following amendment.

“And that the Legislature shall provide for the registration of the names of voters within the State of Maryland, which shall be taken and held as the only evidence of the qualifications of said voters to vote at any election that may hereafter be held in the State.”

Mr. Weems, gave notice that on to-morrow, he should move a reconsideration of the vote of the Convention upon the order submitted by Mr. Thomas on the 8th inst., directing the Secretary to have prepared a map for the use of the Convention, showing the boundaries of the several counties, election districts, &c.

Mr. Merrick, moved to suspend the 21st rule, to enable the Convention to take the vote upon said reconsideration.

Determined in the negative.

Mr. Magraw, submitted the following resolution :

Resolved, That a committee of three be appointed by the Chair, to inquire into the progress and probable cost in the execution of the order adopted by the Convention on the 8th inst., in relation to the preparation of a map of the State, and that said committee report to the Convention to-morrow morning.

Which was twice read and adopted.

In pursuance whereof, the President appointed Messrs. Magraw, Weems and Biser, to compose the committee.

Mr. Smith, gave notice that on to-morrow he should move a reconsideration of the vote of the Convention, upon the order submitted by Mr. Stewart, of Caroline, on the 4th inst., that no member or officer of the Convention, shall receive pay for the time that he may be absent from the Convention, except his absence be occasioned by sickness, &c.

Mr. Smith, submitted the following preamble and order :

Whereas, Great inconvenience results from much local Legislation ; and whereas, the evil might to a great extent be obviated by giving local Legislative powers to the Levy courts of the several counties.

Therefore, Ordered, That the committee on the Legislative Department inquire into the expediency of making such provision in the constitution, as will secure a uniform system of Levy courts throughout the State, to be elected by the legal voters of each county, to have legislative powers, such as the Legislature in their wisdom may deem right.

Which was twice read and adopted.

On motion of Mr. Jenifer,

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Chambers of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, and the amendment pending thereto.

On motion of Mr. Jenifer,

The Convention resolved itself into a committee of the whole House upon said report, (Mr. Blakistone being in the chair,) and

after some time spent in committee, the President resumed the Chair, and the chairman reported that the said committee had in obedience to order, had said report under consideration, and had come to no conclusion thereon.

Mr. Tuck, moved that the committee of the whole House be discharged from the further consideration thereof.

Mr. Sollers, moved that the Convention adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

SATURDAY, January 11th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Sappington, gave notice that when the order of the day came up, being the report submitted by Mr. Chambers, of Kent, as chairman of the committee on the Elective Franchise," he should submit the following amendment.

"Article. Section 1. Every free white man of the age of twenty-one years and upwards, being a citizen of the United States, having resided in this State one year next preceding any election, and the last two months a resident of the county or city where he may offer his vote, shall if not excluded by other provision of this constitution be entitled to vote at such election in the Election District of which he shall at the time be a resident and at no other place, for all officers that now are or hereafter may be elective by the people, and that he vote by ballot."

On motion of Mr. Smith,

The Convention took up for consideration the order submitted by him on the 6th inst. changing the hour of meeting from 11 o'clock to 10 o'clock A. M.

Mr. McMaster, moved to amend said order by striking out the words "to-morrow," and inserting in lieu thereof, "from and after Monday next."

Which amendment was accepted by Mr. Smith.

Mr. Phelps, moved further to amend said order by inserting the words "except every Monday."

Determined in the negative.

The question then recurred and was put on the adoption of the order as amended, and

Determined in the affirmative.

On motion of Mr. Smith,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Dent, Lee, Kent, Lloyd, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Dashiell, Hicks, Eccleston, Phelps, Chambers, of Cecil, Miller, Grason, George, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown.—46.

NEGATIVE—Messrs. Chapman, President, Morgan. Hopewell, Ricaud, Chambers of Kent, Dorsey, Wells, Randall, Sellman, Dalrymple, Bond, Merick, Buchanan, Bell, Welch, John Dennis, Crisfield, Williams, Hodson, Goldsborough, McLane, Bowie, Sprigg, Jacobs, Brent, of Balt. city, Pressman and Ware.—28.

So the order was adopted.

Mr. Dorsey, chairman of the committee on the Declaration of Rights, submitted a report,

Which was read, and

On motion of Mr. Dorsey,

Ordered to be printed.

Mr. Magraw, chairman of the Select committee, submitted the following report.

The committee who were appointed by a resolution of the Convention on the 10th inst., to inquire into the progress and probable cost in the execution of an order passed on the 8th inst., in relation to the preparation of a map of the State, respectfully report: That the Secretary of the Convention to whom the duty was assigned, has availed himself of the assistance of the Honorable Secretary of State, who is engaged in the preparation of a copy of Lucas' map, exhibiting the boundaries of the counties, on which copy it is intended to lay down the several election districts, without regard to accuracy of boundaries in such manner as will show merely the contiguity.

The execution of that portion of the task already performed, displays eminent skill in the Honorable Secretary, and its further execution will require time and labor. Although he has undertaken the work gratuitously, the Convention must decide whether they will continue to employ his services, without awarding him an adequate compensation.

The preparation of the tabular statements of area and population with which it is designed to accompany the map, cannot be made out from the census returns, without imposing on the Secretary of this Convention extra labor which cannot be required of him under his present relation to this body. If the Convention should desire these tables in anticipation of the receipt of the abstract returns of the census, the services of the committee clerks might be employed in collating the desired information from the returns now accessible.

The committee are informed that the Secretary of the Conven-

tion does not design to have the map engraved or printed, without the further action of the Convention, and have thought it unnecessary to inquire into, if they had the means, of ascertaining the probable cost thereof.

The committee ask leave to be discharged from the further consideration of the subject.

SAM'L M. MAGRAW, Ch'n.

Which was read.

And on the question being put on discharging the committee from the further consideration thereof, it was

Determined in the affirmative.

Mr. Sprigg, from the committee on the Executive Department, submitted a report, which he moved should be printed and gave notice that when the report submitted by Mr. Grason, as chairman of the committee on the Executive Department, came up for consideration, he should offer it as an amendment.

On the question being put on printing the same, it was

Determined in the affirmative.

The hour having arrived for taking up the order of the day,

On motion of Mr. Merrick,

The Convention again resolved itself into a committee of the whole House, upon the report submitted by Mr. Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, and the amendment pending thereto, (Mr. Blackistone being in the Chair,) and after some time spent in committee, the President resumed the Chair, and the chairman reported that said committee, had in obedience to order, had said report again under consideration, and had come to no conclusion thereon.

On motion of Mr. Randall,

The Convention adjourned until Monday morning 11 o'clock.

COMMITTEE OF THE WHOLE.

SATURDAY, January 11th, 1851.

Proceedings of the Convention in committee of the Whole, upon the Report submitted by Mr. Chambers, of Kent, on the 13th ultimo, as Chairman of the Committee on the Elective Franchise.

Mr. Weems moved to amend said report by striking out all in the 1st section, first line, to the word "election," in the 3rd line inclusive, and inserting in lieu thereof the following:

"That every free white male citizen of this State of the age of twenty-one years and upwards, having resided as a citizen twelve months;"

Which was read.

Mr. Dorsey moved to amend said amendment by striking out the words "this State," and inserting in lieu thereof, the words "the United States."

Mr. Weems accepted this amendment.

On motion of Mr. Weems.

Said amendment was further amended by inserting after the word "resided," in the last line thereof, these words, "in this State;"

The question then recurred upon the adoption of the amendment as amended.

Mr. McHenry moved the question be taken by yeas and nays, which being ordered appeared as follows:

AFFIRMATIVE—Messrs. Dent, Lee, Chambers, of Kent, Dorsey, Wells, Randall, Weems, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, McMaster and Jacobs—20.

NEGATIVE—Messrs. Chapman, President, Morgan, Blackistone, Hopewell, Ricaud, Dalrymple, Sollers, Merrick, Jenifer, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, Miller, McLane, Bowie, Bowling, Grason, George, Dirickson, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Baltimore city, Presstman, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—53.

So the amendment was rejected.

On motion of Mr. Jenifer,
The Committee then rose.

MONDAY, January 13th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Graff.

The proceedings of Saturday were read.

The Convention resumed the consideration of the unfinished business of Saturday, being the motion of Mr. Weems, to reconsider the vote of the Convention upon the order submitted by Mr. Thomas, on the 8th inst., in relation to the preparation of a map of the State, &c.

Mr. Morgan, moved to postpone the consideration of the same until to-morrow.

Mr. Shriver, moved that the consideration of the same be postponed until Thursday, 16th inst.

Determined in the affirmative.

On motion of Mr. Brown, it was

Ordered, That the Secretary of this Convention direct such of the committee clerks as he may think proper, to add up the census returns for the use of the Convention.

On motion of Mr. Gwinn, it was

Ordered, That it be entered upon the Journal, that Mr. Marriott, a committee clerk to this Convention, is detained from the Convention by indisposition.

On motion of Mr. Harbine, it was

Ordered, That it be entered upon the Journal, that Mr. Michael Newcomer, a member of this Convention is detained from the Convention by indisposition.

On motion of Mr. Hearn, it was

Ordered, That it be entered upon the Journal, that Mr. Jacobs, a member of this Convention is detained from his seat by indisposition.

Mr. Neill, presented the petition of sundry citizens, members of the Mennonite church, praying that the Convention will take into consideration, the necessity of making provisions in the constitution for such societies and such persons who are conscientious in bearing arms, swearing the oath and serving as Jurors, &c.

Which was read, and

On motion of Mr. Neill,

Referred to committee No. 14.

On motion of Mr. Phelps,

The Convention resumed the consideration of the order of the day.

The Convention again resolved itself into a committee of the whole, upon the report submitted by Mr. Chambers of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, and the amendment pending thereto, (Mr. Blakistone being in the Chair,) the following proceedings occurred in committee of the whole:

The question before the committee being upon the amendment

offered by Mr. Chambers, of Kent, to insert in the 1st section, 2nd line, the words "for six months," in lieu of the words "for thirty days," which had been previously stricken out by the vote of the Convention.

On the question being put,

Mr. Biser, moved for the yeas and nays, which being ordered appeared as follows:

AFFIRMATIVE—Messrs. Dent, Lee, Chambers, of Kent, Dorsey, Wells, Randall, Kent, Bond, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Sprigg, McCubbin, McMaster and Hearn—21.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Dalrymple, Sollers, Jenifer, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Grason, George, Dirickson, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Baltimore, city, Fiery, Neill, John Newcomer, Harbine, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Park, Shower, Cockey and Brown—53.

So the amendment was rejected.

Mr. Chambers, of Kent, then moved to amend said report by striking out the whole of the 1st section, and substituting in lieu thereof the following:

That any free white male citizen of this State, of twenty-one years of age or upwards and no other, having resided twelve months in this State and six months in the county, or in the city of Baltimore or Howard District, next preceding the election at which he offers to vote, shall have a right of suffrage, and shall vote by ballot in the election district in which he shall reside in all elections hereafter to be held."

Mr. McHenry, moved to amend said report by striking out all from the word "election," in the 3rd line to the word "and" in the 5th line, and inserting in lieu thereof the following:

"Shall, unless excluded by other provisions of this constitution, be entitled to vote at every public election in the election district where his residence may have been established for days preceding such election, and not elsewhere."

Mr. Donaldson, moved to amend said amendment by filling the blank with "sixty."

Mr. McHenry, moved to fill the blank with "ten."

The question was first put on the motion of Mr. Donaldson, to fill the blank with "sixty," being the largest number, and

Determined in the negative.

The question then recurred upon the motion of Mr. McHenry, to fill the blank with "ten;"

Mr. Phelps, moved to fill the blank with "thirty"

Determined in the negative.

The question again recurred upon the motion of Mr. McHenry, to fill the blank with "ten," and

Determined in the negative.

Mr. Phelps, moved to amend said amendment by inserting after the word "district," the following: "of the counties and the several wards of the city of Baltimore."

Which was read.

Pending the question on this amendment, and

After debate thereon,

On motion of Mr. Phelps,

The committee rose, the President resumed the Chair, and the chairman reported that said committee had in obedience to order, had said report again under consideration, and had come to no conclusion.

On motion of Mr. Hardcastle,

The Convention adjourned until to-morrow morning 10 o'clock.

TUESDAY, January 14th, 1851.

The Convention met, (a quorum being present.)

The proceedings of yesterday were read.

Prayer by the Rev. Mr. Graff.

The President laid before the Convention, the following communication from His Excellency the Governor of the State of Louisiana:

EXECUTIVE OFFICE, BATON ROUGE,

December 31st, 1850.

SIR:—I have the honor to acknowledge the receipt of your favor of the 12th instant, enclosing the Report and Resolutions by the Convention of the people of Maryland, in relation to the compromise measures, passed by the Congress of the United States, at its last session, and at the same time expressing the desire of the committee, that I should lay them before the General Assembly of Louisiana at their next meeting.

In answer, I would observe, that I shall take pleasure in complying with the request of the committee at the earliest opportunity. I requested the Superintendent of Public Education, to send you the requisite information relative to our system of public instruction—his long experience, and profound knowledge of every branch of this subject, give his opinions weight, and influence.

He promised to comply with my request—and will probably forward his views in a few days.

The delay in replying to your favor, has been unavoidable.

I remain very respectfully,

Your obedient servant,

JOSEPH WALKER.

To Hon. J. G. CHAPMAN, Pres't Convention, Annapolis.

Which was read.

The President also laid before the Convention a report from the Treasurer of the State, in obedience to the order of the Convention of the 11th ultimo;

Which was read, and

On motion of Mr Brown, ordered to be printed.

Mr. Brent, of Baltimore city, submitted the following order:

Ordered, That on and after Monday next, the Secretary shall enter on the journal of each day, the names of all members absent at the call of the roll without leave, unless they shall on the same day before adjournment, report themselves in person to the Secretary;

Which was twice read,

Mr. Brown moved for the previous question,

Mr. Jenifer moved to lay said order on the table;

Determined in the negative.

On motion of Mr. Brent, of Baltimore city,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Jenifer, Ridgely, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, McLane, Sprigg, McCubbin, George, Wright, Annan and Hollyday—26.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Mitchell, Bell, Welch, Sherwood of Talbot, Colston, Crisfield, Dashiell, Hicks, Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, Dirickson, McMaster, Hearn, Shriver, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Kilgour, Brewer, Waters, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—48.

So the Convention refused to lay the order on the table.

The question then recurred upon the adoption of the order.

Mr. Ridgely moved to amend said order by inserting the following to precede the order:

Ordered, That hereafter the hour of meeting shall be changed to eleven o'clock, A. M.

Mr. Weber moved the previous question, and being demanded

by a majority of the members present, the said previous question was put, that is,

“Shall the main question be now put?” and it was

Determined in the affirmative.

The question was then put, on the amendment as offered by Mr. Ridgely.

Mr. Smith moved for the yeas and nays, which being ordered appeared as follows :

AFFIRMATIVE—**MESSRS.** Chapman, Pres’t, Morgan, Blakistone, Hopewell, Ricaud, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Sellman, Weems, Dalrymple, Bond, Jenifer, Ridgely. John Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Phelps, Miller, McLane, Sprigg, McCubbin, Wright, Stewart of Caroline, Hardcastle, Brent of Baltimore city, Kilgour, Waters and Hollyday—34.

NEGATIVE—**MESSRS.** Dent, Lee, Kent, Bell, Welch, Sherwood, of Talbot, Colston, James U. Dennis, Dashiell, Eccleston, Chambers of Cecil, McCullough, Grason, George, Dirickson, McMaster, Hearn, Fooks, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Carter, Thawley, Gwinn, Ware, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Slicer, Fitzpatrick Smith, Park, Shower, Cockey and Brown—42.

So the amendment was rejected.

The question then recurred and was put on the adoption of the order as offered by Mr. Brent, of Baltimore city ; and

Determined in the affirmative.

Mr. Jenifer gave notice that on to-morrow, he should offer the following order :

Ordered, That it be incorporated among the standing rules of this body, that no member shall speak at one time longer than one hour, nor more than one hour on the same question.

Mr. Dorsey submitted the following order :

Ordered, That the rule adopted as to the attendance of members of this Convention shall not apply to members who will state that the cause of their absence was their necessary attendance to the business of this Convention ;

Which was read.

Pending this question, and after debate thereon,

On motion of Mr. Jenifer,

The Convention resumed the consideration of the order of the day.

The Convention again resolved itself into a committee of the whole, upon the report submitted by Mr. Chambers, of Kent, on the 13th ultimo, as chairman of the committee on the Elective Franchise, (Mr. Blakistone being in the Chair,) the following proceeding occurred in committee of the whole.

Mr. McHenry withdrew the amendment offered by him on yesterday.

The question then recurred upon the amendment as offered by Mr. Chambers, of Kent, as a substitute for the 1st section of the report.

Mr. Phelps moved to amend said amendment by inserting after the words "Howard District," the following, "and thirty days in the election district or ward of the city of Baltimore;"

Determined in the negative.

On motion of Mr. Phelps,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Sollers, Merrick, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Dirickson, McMaster, Fooks, McHenry, Magraw, Davis and Waters—33.

NEGATIVE—Messrs. Blakistone, Sellman, Bond, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, Bowie, McCubbin, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—48.

So the amendment was rejected.

Mr. Phelps, then moved to amend said amendment by inserting after the words "Howard District," the following.

"And twenty days in the election district or ward of the City of Baltimore."

Determined in the negative.

On motion of Mr. Brent, of Baltimore city,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Dent, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Merrick, John Dennis, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Dirickson, McMaster, Hearn, Fooks, McHenry, Magraw, Davis and Waters—32.

NEGATIVE.—Messrs. Blakistone, Sellman, Jenifer, Bell, Welch, Chandler, Ridgely, Sherwood of Talbot, Colston, Chambers of Cecil, McCullough, Miller, Bowie, McCubbin, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—49.

So the amendment was rejected.

Mr. Kilgour, moved to amend said amendment by inserting after the words, "Howard District," the following :

"And ten days in the election district or ward of the city of Baltimore."

Determined in the negative.

On motion of Mr. Davis,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Dirickson, McMaster, Hearn, Fooks, Annan, McHenry, Magraw, Davis, Kilgour and Waters—38.

NEGATIVE—Messrs. Blakistone, Ricaud, Sellman, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, McCubbin, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—48.

So the amendment was rejected.

Mr Phelps, then moved to amend said amen'ment by inserting after the words "Howard District," the following :

"And five days in the election district or ward of the city of Baltimore;"

Pending the question on this amendment, and

After debate thereon,

On motion of Mr. Brent, of Balt. city,

The Committee rose, the President resumed the chair, and the Chairman reported that said committee had, in obedience to order, had said report again under consideration and had come to no conclusion thereon.

On motion of Mr. McHenry,

The Convention adjourned until to-morrow morning, 10 o'clock.

WEDNESDAY, January 15th, 1851.

The Convention met, (a quorum being present,)

The proceedings of yesterday were read.

Prayer by the Rev. Mr. Graff.

The Convention resumed the consideration of the question pending on yesterday upon the order submitted by Mr. Dorsey, requiring that the rule adopted as to the attendance of members of the Convention, shall not apply to members who will state that the cause of their absence was their attendance to the business of the Convention ;

On motion of Mr. Dorsey,

Said order was laid on the table.

Mr. Hicks moved that the Convention reconsider their vote on the order submitted by Mr. Brent; of Baltimore city, on yesterday, requiring the Secretary on, and after Monday next, to enter on the journal of each day, the names of all members absent at the call of the roll without leave, unless they shall on the same day before the adjournment, report themselves in person to the Secretary.

On motion of Mr. Williams,

The Convention was called, and the Doorkeeper sent for the absent members.

On motion of Mr. Brown,

Further proceedings under the call was dispensed with.

The question then recurred upon the motion of Mr. Hicks, to reconsider the vote of the Convention on the order submitted by Mr. Brent, of Baltimore city, on yesterday.

Mr. Brent, of Baltimore city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Sellers, Brent, of Charles, Merrick, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Miller, McLane, Sprigg, McCubbin, Spencer, Grason, George, Wright, Fooks, Annan, Schley, Davis, Waters and Hollyday—49.

NEGATIVE—Messrs. Chapman, Pres't. Sherwood, of Talbot, Colston, Eccleston, Chambers, of Cecil, McCullough, McMaster, Hearn, Shriver, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Baltimore city, Ware, Fiery, John Newcomer, Harbine, Kilgour, Brewer, Anderson, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—37.

So the Convention reconsidered their vote on said order.

The question then recurred on the adoption of the order.

Mr. Dashiell moved to amend said order by adding at the end thereof the following : "and that the absentees hereafter shall not receive their per diem during their absence ;"

Mr. Jenifer moved to amend said amendment by adding these words, "or those who have been absent heretofore;"

Mr. Dashiell accepted this amendment;

On motion of Mr. Magraw,

Said amendment was further amended by inserting after the word "absentees," the words, "without leave;"

Mr. Sollers moved further to amend said amendment by adding at the end thereof the following, "and that the per diem which members received during the recess, shall be deducted from their future per diem."

Mr. Grason moved to lay said order and amendments on the table;

Determined in the affirmative.

On motion of Mr. Stephenson,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pr't. Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, Buchanan, Chandler, Ridgely, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Sprigg, McCubbin, Spencer, Grason, George, Wright, McMaster, Hearn, Fooks, Biser, Annan, Davis, Kilgour, Waters Anderson, Hollyday and Fitzpatrick.—52.

NEGATIVE—Messrs. Ricaud, Mitchell, Sellman, Bell, Welch, Hicks, Eccleston, Shriver, Gaither, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown.—33.

So the order and amendments were laid on the table.

On motion of Mr. Miller, it was

Ordered, that it be entered upon the journal, that Mr. Constable, is detained from his seat in the Convention by indisposition.

On motion of Mr. Colston, it was

Ordered, That it be entered upon the journal, that Mr. Dickinson, is detained from his seat in the Convention by indisposition.

On motion of Mr. Spencer,

The Convention resumed the consideration of the order of the day.

The Convention again resolved itself into a committee of the Whole, upon the report submitted by Mr. Chambers, of Kent, on the 13th ultimo, as chairman of the committee on the Elective Franchise, (Mr. Blakistone being in the Chair,) the following proceedings occurred in committee of the Whole.

The question pending on yesterday before the committee, being on the motion of Mr. Phelps, to amend the amendment offered by

Mr. Chambers, of Kent, as a substitute for the 1st section of the report, by inserting after the words "Howard District," the following, "and five days in the election district or ward of the city of Baltimore."

Pending the question on this amendment, and after debate thereon,

Mr. Ricaud moved that the committee rise.

Mr. Stewart, of Caroline, moved for the yeas and nays, which motion was not sustained.

The question was then put, that the committee rise; and Determined in the affirmative.

The committee accordingly rose, the President resumed the chair, and the chairman reported, that said committee had in obedience to order, had said report again under consideration, and had come to no conclusion thereon.

On motion of Mr. Ricaud,

The Convention adjourned until to-morrow morning 10 o'clock.

THURSDAY, January 16th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Jenifer submitted the following resolution :

Resolved, That all debate in committee of the whole upon the first section of the report of the committee on the Elective Franchise, shall cease this day at one o'clock, and the committee of the whole shall then proceed to vote upon the amendments then pending, or which may be offered,—and five minutes may be allowed to any member to explain any amendment which he may offer.

Which was twice read.

Mr. Weber, moved to amend said resolution by striking out the words "first section of the;"

Mr. Jenifer, withdrew said resolution.

Mr. Weber, renewed it, leaving out the words "first section of the;"

Mr. Smith, moved to lay the resolution on the table ;

Determined in the affirmative.

Mr. Randall in accordance with the 27th rule, gave notice that

he should on to-morrow, move the following amendments to the 17th rule :

1. After the word "Convention" in the 1st line, insert the words "the mover designating whether the whole or a part and what part of the matter depending is comprehended in this motion."

2. Strike out all after the word "adoption" in the 8th line, and insert in lieu thereof, the following words, "of the special matter under consideration, and the question shall be taken thereon alone without further debate or amendment thereof, and the previous question shall be then exhausted."

Mr. Sollers, gave notice that on to-morrow, he should move to amend the 23rd rule, by striking out these words "except that part of the 20th rule which restricts members from speaking more than twice upon the same question. The ayes and noes shall be taken in committee of the whole, in the same manner as they are taken in Convention."

The President laid before the Convention a report from the clerk of the levy court of Calvert county, in obedience to the order of the Convention of 15th November, containing a statement exhibiting the aggregate valuation, rate of tax, and each general expenditure, &c.;

Which was read and referred to the committee on Representation.

Also, laid before said Convention, a report from said clerk, in obedience to the order of the Convention of the 2nd of December, relative to the fees and perquisites paid the Attorney General and his Deputies by Calvert county.

Which was read and referred to the committee appointed on the Attorney General and his Deputies.

On motion of Mr. Merrick,

The Convention resumed the consideration of the order of the day.

The Convention again resolved itself into a committee of the whole, upon the report submitted by Mr. Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise.

(Mr. Blakistone, being in the chair,) the following proceedings occurred in committee of the whole :

The question pending before the committee, being on the motion of Mr. Phelps, to amend the amendment offered by Mr. Chambers, of Kent, as a substitute for the 1st section of the report, by inserting after the words "Howard District," the following, "and five days in the election district or ward of the city of Baltimore."

Pending the question on this amendment, and

After debate thereon,

On motion of Mr. Tuck,

The committee rose, the President resumed the chair, and the

chairman reported, that said committee had in obedience to order, had said report again under consideration, and had come to no conclusion thereon.

On motion of Mr. Bowie,
The Convention adjourned until to-morrow morning 10 o'clock.

FRIDAY, January 17th, 1851.

The Convention met, (a quorum being present.)

Prayer by the Rev. Mr. Graff.

The proceeding of yesterday were read.

Mr. Ridgely, moved that hereafter the hour of meeting of the Convention be 11 o'clock, A. M.,

Mr. Brown, moved to lay the motion on the table.

Mr. Harbine, moved that the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Dent, Lloyd, Sherwood, of Talbot, James U. Dennis, Eccleston, Grason, George, Wright, McMaster, Hearn, Shriver, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Schley, Fiery, John Newcomer, Harbine, Weber, Slicer, Fitzpatrick, Smith, Parke, Cockey and Brown—29.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Randall, Kent, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, Buchanan, Welch, Chandler, Ridgely, John Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Fooks, Jacobs, Biser, Annan, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Presstman, Ware, Neill, Davis, Kilgour, Waters and Hollyday—50.

So the Convention refused to lay the motion on table.

The question then recurred upon the motion of Mr. Ridgely, that the Convention hereafter meet at 11 o'clock, A. M.

Mr. John Newcomer, moved that the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Randall, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, Buchanan, Welch, Chandler, Ridgely, John Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough,

Phelps, Chambers, of Cecil, McCullough, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Jacobs, Annan, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Ware, Neill, Davis, Kilgour, Waters and Holiday—48.

NEGATIVE.—Messrs. Dent, Kent, Lloyd, Sherwood, of Talbot, James U. Dennis, Eccleston, Grason, George, McMaster, Hearn, Fooks, Shriver, Biser, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Schley, Fiery, John Newcomer, Harbine, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—31.

So the motion prevailed to meet hereafter at 11 o'clock, A. M.

Mr. Chambers, of Kent, chairman of the committee on the Elective Franchise, submitted a report, being an additional section to the first article of the constitution heretofore reported by the same committee.

Which was read, and

On his motion ordered to be printed.

Mr. Blakistone, moved that said report be committed to the committee of the whole ;

Determined in the affirmative.

On motion of Mr. Randall,

The Convention took up for consideration the amendment offered by him on yesterday to the 17th Rule.

Pending the question on this amendment,

Mr. Jenifer, moved that the Convention resolve itself into the committee of the whole on the special order of the day.

Mr. Brown, moved that the committee of the whole be discharged from the consideration of the order of the day.

The question was first taken on the motion of Mr. Jenifer, and Determined in the affirmative.

The Convention accordingly resolved itself into a committee of the whole upon the report submitted by Mr. Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, (Mr. Blakistone being in the chair,) the following proceedings occurred in committee of the whole.

The question pending before the committee, being on the motion of Mr. Phelps, to amend the amendment offered by Mr. Chambers, of Kent, as a substitute for the 1st section of the report, by inserting after the words "Howard District," the following : "and five days in the election district or ward of the city of Baltimore."

Mr. Weber, moved to amend said amendment by adding at the end thereof the following:

"Provided, That the voter, if required, shall make affidavit that he did not move into the election district to affect the election then being held."

The question was first taken upon the motion of Mr. Phelps

to amend the amendment offered by Mr. Chambers, of Kent, as a substitute for the 1st section of the report, by inserting after the words "Howard District," the words "and five days in the election district or ward of the city of Baltimore."

Mr. Shriver, moved that the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Randall, Kent, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, Dirickson, McMaster, Hearn, Fooks, Jacobs, Annan, McHenry, Davis, Kilgour and Smith.—39.

NEGATIVE—Messrs. Ricaud, Buchanan, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Chambers, of Cecil, Miller, McLane, Bowie, McCubbin, Spencer, Grason, George, Wright, Shriver, Biser, Sappington, Stephenson, Magraw, McHenry, Carter, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Balt. city, Presstman, Ware, Schley, Neill, John Newcomer, Harbine, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—43.

So the amendment was rejected.

Mr. Dorsey then moved to amend the amendment by striking out in the first line the words "this State," and inserting in lieu thereof the words "the United States ;"

Determined in the affirmative.

On motion of Mr. Brent, of Baltimore city,
The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Kent, Weems, Dalrymple, Bond, Brent, of Charles, Jenifer, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Annan, Schley, Fiery, John Newcomer, Harbine, Davis, Waters, Smith, Parke and Cockey—46.

NEGATIVE.—Messrs. Randall, Buchanan, Chandler, Lloyd, Sherwood, of Talbot, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Spencer, Grason, George, Wright, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Ware, Neill, Kilgour, Weber, Hollyday, Slicer, Shower and Brown—37.

So the amendment was adopted.

The question then recurred upon the amendment as offered by Mr. Weber.

Mr. Buchanan, moved that the committee rise;

Determined in the affirmative.

And the committee accordingly rose, the President resumed the chair, and the chairman reported that said committee had in obedience to order, had said report again under consideration, and had come to no conclusion thereon.

On motion of Mr. Brown,

The Convention adjourned until to-morrow morning 11 o'clock.

SATURDAY, January 18th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The Proceedings of yesterday were read.

The Convention resumed the consideration of the amendments offered by Mr. Randall, on the 16th inst., to the 17th Rule.

The said amendments were severally read and adopted.

On motion of Mr. Sollers,

The Convention took up for consideration the amendments offered by him on the 16th inst., to the 23rd Rule.

The first amendment being to strike out these words "except that part of the 20th rule, which restricts members from speaking more than twice upon the same question."

On the question being put on this amendment, it was

Determined in the affirmative.

The second amendment being to strike out these words "the ayes and noes shall be taken in committee of the whole, in the same manner as they are taken in Convention and,"

On the question being put on this amendment,

Mr. John Newcomer, moved for the yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, Buchanan, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Goldsborough, Phelps, Tuck, Grason, George, Wright, McMaster, Hearn, Jacobs, Annan, Hardcastle, Gwinn, Stewart, of Baltimore city, Ware, Davis, Waters, Anderson, Weber, Slicer, Fitzpatrick and Smith—46.

NEGATIVE—Messrs. Dent, Ridgely, Lloyd, Sherwood, of Talbot, Dashiell, Eccleston, Chambers, of Cecil, McCullough, McLane, Bowie, Sprigg, Spencer, Fooks, Shriver, Biser, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Presstman, Schley, Fiery, Neill, John Newcomer, Harbine, Parke, and Cockey—29.

So the amendment was adopted.

Mr. Fiery, submitted the following resolution:

Resolved, That from and after Monday the 27th inst., the Convention shall hold morning and evening sessions, the former commencing at 10 o'clock, the latter at 3 o'clock.

Which was read.

Pending the question upon this resolution.

The President announced that the hour had arrived for taking up the order of the day.

Mr. Chambers, of Kent, moved that the Convention resolve itself in the committee of the whole, which motion he waived to enable Mr. Merrick, to lay before the Convention a communication from Jos. C. G. Kennedy, Esq., Superintendent of Census, covering a statement of the population of Maryland.

Which was read, and

On his motion, ordered to be printed.

The Convention then resolved itself into a committee of the whole, upon the report submitted by Mr. Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, (Mr. Blakistone, being in the chair,) the following proceedings occurred in committee of the whole:

The question pending before the committee being on the amendment offered by Mr. Weber on yesterday, as a proviso, at the end of the amendment offered by Mr. Chambers, of Kent, on the 13th ult., and amended on the motion of Mr. Dorsey.

Mr. Chambers, of Kent, withdrew said amendment and offered in lieu of it the following:

“Every free white male person of twenty-one years of age or upwards, who shall have been for one year next preceding the election, a resident of the State, and for six months a resident of the city of Baltimore, of Howard District, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held, and at all such elections the votes shall be taken by ballot.”

Which was twice read.

Mr. Stephenson, moved to amend said amendment by striking out “six months,” and inserting in lieu thereof “three months;”

Determined in the negative.

The question then recurred and was put on the amendment as offered by Mr. Chambers of Kent, and

Determined in the affirmative.

Mr. Chambers of Kent, moved further to amend said section by adding at the end thereof the following :

“And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, Senator, Delegate, or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district, in which he offers to vote for six months next preceding the election, but a person who shall have acquired a residence in such county or city, entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed until he shall have acquired a residence in the part of the county or city to which he has removed.”

Which was twice read.

On the question being put, “will the Convention adopt said amendment?” it was

Determined in the affirmative.

Mr. Jenifer, moved further to amend said section by adding at the end thereof, the following :

“And that the Legislatuse may provide for a uniform registration of the names of voters within the State of Maryland, which shall be taken and held as the only evidence of the qualification of said voters at any election that may hereafter be held in the State.”

Which was read.

Mr. Ricaud, moved to amend said amendment by inserting after the word “Maryland,” the following :

“And from time to time thereafter, of all who may become such qualified electors,” and at the end of said amendment by adding the following: “or some other uniform provision whereby the legal and qualified electors may be fully and truly ascertained, and the Elective Franchise, protected from all fraud.”

Mr. Kilgour, moved further to amend the amendment offered by Mr. Jenifer, by striking out in the 1st line the word “may,” and inserting in lieu thereof “shall not.”

Pending the question upon these amendments,

Mr. Kilgour, moved that the committee rise,

Determined in the affirmative.

And the committee accordingly rose, the President resumed the Chair, and the chairman reported that said committee had in obedience to order, had said report again under consideration, and had come to no conclusion thereon.

Mr. Shriver, moved that the Convention adjourn, which motion

he waived to enable Mr. Chambers of Kent, to move that when the Convention adjourn, it stand adjourned until Monday morning 12 o'clock.

Determined in the affirmative.

The Convention adjourned until Monday morning 12 o'clock

MONDAY, January 20th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The Proceedings of Saturday were read.

Mr. Jenifer, chairman of committee No. 14, to which was referred the order to inquire into the expediency of reporting some constitutional enactment by authority of which the future Legislature of the State shall have power to pass laws, providing for the removal of the free colored population from the State of Maryland, "asked to be discharged from the further consideration thereof, and that the same be referred to the committee on the Free Colored Population."

On the question being put on discharging the committee and referring the same to the committee on Free Colored Population, it was

Determined in the affirmative.

On motion of Mr. Weems,

The Convention took up for consideration the motion submitted by him on the 11th inst., to reconsider the vote of the Convention upon the order adopted on the 8th inst., in relation to the preparation of a map for the use of the convention, showing the boundaries of the several election districts, &c.

Mr. Thomas, having made an explanation in relation to said order,

Mr. Weems, withdrew his motion of reconsideration.

On motion of Mr. Stephenson, it was

Ordered, That the committee on Corporations inquire into the expediency of providing in the new constitution for limiting the time for which charters hereafter granted shall endure to twenty years; also, into the propriety of vesting the Legislature with the power of altering or revoking any charter whenever in their opinion the public interest may require it, but in such manner that no injustice be done to the corporators.

Mr. McHenry, submitted the following order:

Ordered, That the debate on the article of the constitution, reported by the committee on the Elective Franchise, shall termi-

nate in committee of the whole on Wednesday the 22nd inst., at 2 o'clock, P. M., when each amendment pending, or which may be offered, shall be passed upon without any further discussion than explanatory remarks, not extending beyond five minutes, by the several proposers of such amendments.

Which was read, and

On his motion, postponed until to-morrow.

The president laid before the convention a report from the clerk to the commissioners of the tax for Carroll county, in obedience to the order of the convention in relation to fees allowed and paid to the Attorney General and his Deputies by said county.

Which was read, and

Referred to the committee appointed on the Attorney General and his Deputies.

The hour having arrived for taking up the order of the day;

On motion of Mr. Phelps,

The convention again resolved itself into a committee of the whole upon the report submitted by Mr. Chambers of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, (Mr. Blakistone, being in the chair,) the following proceedings occurred in committee of the whole :

The question pending before the committee being on the amendments offered by Mr. Ricaud, on Saturday the 18th, to amend the amendment offered by Mr. Jenifer, by inserting after the word "Maryland," the following: "and from time to time thereafter, of all who may become such qualified electors."

Mr. Jenifer, accepted this amendment.

The question was then put on the 2nd amendment as offered by Mr. Ricaud, by adding at the end thereof the following: "or some other uniform provision whereby the legal and qualified electors may be fully and truly ascertained, and the Elective Franchise protected from all fraud ;"

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Kilgour, to amend the amendment offered by Mr. Jenifer, to strike out in the 1st line the word "may," and insert in lieu thereof "shall not ;"

Mr. James U. Dennis, moved to amend said amendment by striking out the word "may," in the 1st line, and insert "shall ;"

Determined in the negative.

Mr. Morgan, moved to amend said amendment offered by Mr. Jenifer, by striking out all after the words "the Legislature," and inserting in lieu thereof the following :

"Ought from time to time to pass such laws in their wisdom may be deemed necessary to ascertain the legal and qualified voters of the State, and to protect the Elective Franchise from all fraud ;"

Determined in the negative.

The question then recurred and was put on the amendment as offered by Mr. Jenifer, and

Determined in the negative.

Mr. Spencer, moved to amend said report by inserting after the word "give," in the 1st line of the 2nd section, the following: "by himself or by any other person, or by any means direct or indirect."

Mr. Schley, offered as a substitute for said motion to insert after the word "give," in the 1st line, 2nd section, the words "directly or indirectly;"

On the question being put,

"Will the Convention accept said amendment?" it was

Determined in the affirmative.

The said amendment was then adopted.

Mr. Spencer, moved further to amend said section by inserting after the word "for" in the 3rd line, these words: "himself or for;"

Determined in the negative.

Mr. Merrick, moved to amend said 2nd section, by inserting in the 3rd line thereof after the word "thing," the following: "to induce any voter to refrain from casting his vote or forcibly to prevent him in any way from voting, or;"

Determined in the affirmative.

Mr. Brent of Balt. city, moved further to amend said section by striking out in the last line thereof these words "or to vote at any election thereafter."

Mr. Ricaud, moved to amend said section by inserting after the word, "election," in the last line thereof the words, "for the period of five years;"

Pending the question on these amendments,

On motion of Mr. Crisfield,

The Committee rose, the President resumed the chair, and the Chairman reported that said committee had, in obedience to order, had said report again under consideration and had come to no conclusion thereon.

On motion,

The Convention adjourned until to-morrow morning, 11 o'clock.

TUESDAY, January 21st, 1851.

The Convention met,
Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Annan, presented a petition of sundry Tanners and Dealers in Leather, praying that no change may be made in the Inspection of leather.

Which was read and referred to the committee on Inspections.

Mr. Davis, presented the Address of the Primary School Convention to the people of Maryland, signed by John S. Tyson, Esq., and others;

Which was read, and

On his motion, referred to the committee on Education.

Mr. Spencer, laid before the Convention an account of James T. Wootters, clerk to the Levy Court of Queen Anne's county, for information furnished the Convention under their order of 2nd December.

Which was read, and

On motion of Mr. Spencer,

Referred to the committee on Accounts.

On motion of Mr. McMaster,

The Convention again resolved itself into a committee of the whole upon the report submitted by Mr. Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise, (Mr. Blakistone, being in the Chair,) the following proceedings occurred in committee of the whole :

The question pending before the Convention being on the motion of Mr. Ricaud, to insert after the word "election," in the last line, 2nd section, the words "for the period of five years;"

Mr. Brent, of Baltimore city, withdrew the amendment offered by him on yesterday.

Mr. Spencer, gave notice that at the proper time he should offer the following as additional sections to the report.

Insert after the 2nd section the following :

Section 3rd. That every person who shall be elected to any office whatever, at any election to take place in this State hereafter, or who shall be appointed to any office whatever, in said State hereafter, shall before he enters upon the duties of the office to which he may be elected or appointed, first take and subscribe the following oath, (if not conscientiously scrupulous, and in such case, affirmation) before some one of the Judges of the Court of Appeals of this State :

I do solemnly swear that I have not at any election held in this State, since the ratification of the new constitution of this State, or in any other way, in any manner violated the provisions contained in the 2nd section of the said constitution relating to bribery,

and that I have not procured or induced by any any means, any individual or individuals, to vote at any such election in violation of the provisions contained in the 1st section of said constitution relating to the age and residence of voters, and if any person elected or appointed to office as aforesaid, shall refuse or neglect to take said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation; and any person who shall swear or affirm falsely in the premises shall be guilty of perjury, and on conviction thereof in due course of law subject to all its pains and penalties.

Sec. 4. That the Judge before whom such oath or affirmation shall be taken, shall cause the same to be subscribed by the person so swearing or affirming, in a book by him to be kept for such purpose, a duplicate of which said oath or affirmation as the case may be, he shall transmit to the clerk of the Court of Appeals of this State, with the name of the individual who took and subscribed the same, designating the office to which he has been elected or appointed, to be by the said clerk whose duty it shall be to do so, recorded in a book to be kept for such purposes among the records of the said Court of Appeals, a certified copy of which said oath or affirmation by the said Judge under his seal, or by the said clerk of the said duplicate, under his seal of office, shall be taken and received as evidence in any of the courts of this State that have criminal jurisdiction.

Mr. Ridgely, moved to amend said report by adding at the end of the second section the following :

“And over all such offences, or the punishment or disability imposed thereon, the Executive of this State shall exercise no power or control;”

The question was first taken on the amendment as offered by Mr. Ricaud; and

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Ridgely;

Mr. Dorsey, moved to amend said amendment by adding at the end thereof the following :

“But it shall at all times be competent for the court before which such conviction may have been had, upon being satisfied by testimony offered for the purpose of its being malicious and unfounded in fact, to set aside the judgement rendered on the verdict of the jury, and enter a nolle prosequie;”

Mr. Crisfield, gave notice that at the proper time he should offer the following amendment :

“Laws shall be made for ascertaining by proper proof, the citizens who shall be entitled to the right of suffrage hereby established;”

On motion of Mr. McHenry,

The committee rose, the President resumed the Chair, and the chairman reported that said committee had in obedience to order, had said report again under consideration, and had come to no conclusion thereon.

The Convention then adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, January 22nd, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The Proceedings of yesterday were read.

Mr. Gwinn, submitted the following order :

Which was read, and moved the previous question.

Ordered, That all debate on the report of the committee on the Elective Franchise, and on the pending amendments, shall cease at 12½ o'clock to-day, and that the chairman of the committee of the whole, shall report the said report of the said committee, and the amendments agreed to and pending in said committee, to the Convention for its action.

The previous question not being seconded.

Mr. McHenry, moved as an amendment for the order offered by Mr. Gwinn, to strike out all of said order and substitute the following :

“Ordered, That the debate on the articles of the constitution, reported by the committee on the Elective Franchise, shall terminate in committee of the whole on this day, at 2 o'clock, P. M., when each amendment pending, or which may be offered shall be passed upon, without any further discussion than explanatory remarks not extending beyond five minutes by the several proposers of such amendments.”

Mr. Ricaud, moved to amend said amendment by striking out “two o'clock,” and inserting in lie thereof “one o'clock.”

Pending the question on this amendment.

The President announced that the hour had arrived for taking up the order of the day.

Mr. Tuck moved to postpone the order of the day;
Determined in the affirmative.

The question then recurred upon the amendment as offered by Mr. Ricaud to the substitute offered by Mr. McHenry.

Mr. Ricaud, withdrew said amendment.

Mr. Brent, of Baltimore city, gave notice that on to-morrow he should offer the following order in relation to the 17th Rule :

Ordered, That so much of the 17th rule be rescinded, as prevents new amendments being ordered after the call for the previous question shall have been sustained; and be it further ordered, that all rules which allow this Convention to resolve itself into committee of the whole be rescinded.

The question then recurred upon the substitute as offered by Mr. McHenry;

Mr. Brown, moved to lay said substitute and order on the table; Determined in the affirmative.

Mr. Sollers, then moved the following as an additional rule :

“After report from committee of the whole, the article shall be again subject to be debated and amended, before the question upon its passage shall be taken ;”

Which was read, and

On the question being put, on the adoption of said rule, it was Determined in the affirmative.

On motion of Mr. Brown,

The Convention then took up for consideration the orders submitted by Mr. Gwinn, this morning, and the substitute offered therefor by Mr. McHenry ;

On the question being put,

“Will the Convention accept the substitute ?” it was

Determined in the affirmative.

The said order was then adopted.

On motion of Mr. Brown,

The Convention proceeded to the consideration of the order of the day.

On motion of Mr. Brown,

The Convention again resolved itself into a committee of the whole upon the report submitted by Mr. Chambers, of Kent, on the 13th ult., as chairman of the committee on the Elective Franchise ; (Mr. Blakistone being in the chair,) the following proceedings occurred in committee of the whole.

The question before the Convention being on the amendment offered by Mr. Dorsey, on yesterday, to the amendment offered by Mr. Ridgely;

On the question being put on said amendment to the amendment ; it was

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Ridgely, and

Determined in the negative.

Mr. Fooks, moved to amend said report by inserting after the word "held," in the 5th line of 1st section, the following:

"After having taken an oath (if not conscientiously scrupulous, and in such case affirmation,) that he has not received, and will not receive any fee or reward for his vote at said election, and that he has not given or offered to give, and will not give or offer to give directly or indirectly, any fee or reward to bribe, or assist in bribing, or influencing any voter at said election, or to induce any person not to vote at said election."

Determined in the negative.

On motion of Mr. Kilgour,

Said report was amended by inserting in the 2nd section, 7th line, after the word "same," the following: "and any person who gives or causes to be given an illegal vote knowing it to be so, at any election to be hereafter held in this State."

The question then recurred upon the amendments offered by Mr. Spencer, on yesterday, as the 3rd and 4th sections to the report,

On the question being put, "will the Convention adopt said amendments?" it was

Determined in the affirmative.

Mr. Sollers, moved to amend said report by inserting after the word "person," in the 1st line, 3rd section, the words "above the age of twenty-one years," and after the word "crime," in the 2nd line, insert "unless he shall be pardoned by the Executive."

Mr. Spencer, moved as a substitute for the first amendment offered by Mr. Sollers, to strike out all after the word "that," in the 1st line of said section, to the word "no," in the 3rd line.

Mr. Spencer withdrew said amendment.

Mr. Stewart of Caroline, renewed the amendment.

The question was first taken on the amendment offered by Mr. Sollers, and

Determined in the affirmative.

The question then recurred upon the adoption of the 2nd amendment offered by Mr. Sollers.

Mr. Spencer, moved to amend said amendment by striking out the words "be pardoned by the Executive;" and insert "unless the restriction is taken off by the Governor;"

Determined in the negative.

The question again recurred upon the adoption of the 2nd amendment as offered by Mr. Sollers, and

Determined in the affirmative.

The question then recurred upon the substitute as offered by

Mr. Spencer, but withdrawn by him and renewed by Mr. Stewart, of Caroline, and

Determined in the negative.

On motion of Mr. Dorsey,

The 2nd section of said report was amended by inserting in the 1st line, after the word "give," these words, "or offer to give."

On motion of Mr. Dorsey,

Said section was further amended, by striking out in the 5th line the letter "s" at the end of the word "representatives."

Mr. Dorsey, moved further to amend said section, by striking out in the 5th line, the words "of profit or trust," and inserting in lieu thereof "or appointment;"

Determined in the negative.

On motion of Mr. Dorsey,

Said section was amended by inserting after the word "giving" in the 7th line, the words "or offering to give."

On motion of Mr. Dorsey,

Said section was further amended by inserting after the word "State," in the 7th line, the words "or by the ordinances or authority of the mayor and city council of Baltimore."

Mr. Dorsey, moved to amend said report by adding at the end thereof, as an additional section, the following:

"That no person who is a candidate or has been nominated and is to be voted for to fill any office or appointment under the constitution or laws of this State or the ordinances or authority of the mayor and city council of Baltimore, shall contribute, give or subscribe, or promise so to do, any money, or other thing of value, to be used or employed in any way, in aiding or promoting the success of his election; except some reasonable sum to be applied to the payment of the expense of printing ballots or tickets to be cast at the election. And any person herein offending shall be deemed guilty of a misdemeanor, and on conviction thereof in a court of law, shall be punished by fine and imprisonment, and forever thereafter be deprived of his elective franchise in this State and the city of Baltimore, and be incompetent to hold the office to which he may have been elected; or any other office or appointment under the constitution or laws of this State, or ordinances or authority of the mayor and city council of Baltimore, or to vote thereafter at any election therein."

Determined in the negative.

Mr. Dorsey, moved further to amend said report by adding as the 5th article, the following:

Art. 5th. No person in this State not a candidate or nominated as aforesaid, shall give, contribute or subscribe any sum or sums of money, or thing of value to be used in any electioneering canvass, or to be expended in any way in relation to any election to be held under the constitution or laws of this State, or under any ordinance or authority derived from the mayor and city council of

Baltimore, unless such gift, contribution or subscription be directed by its author to be exclusively applied to the giving of barbecues or treats, at which candidates for office and others may have an opportunity of addressing their fellow citizens ; or to the printing of public documents or political essays, addresses or hand bills designed for circulation among the people ; or the providing vehicles for the transportation of voters to the polls or to the printing of tickets designed for the ballot box ; and any person herein offending, or any person applying such gift, contribution or subscription to any electioneering purpose contrary to such direction, upon conviction thereof in a court of law shall be fined and imprisoned as shall hereafter be provided for by the Legislature, and be thereafter incapable of voting at any election, or of holding any office or appointment of any nature or description, under the constitution or laws of this State, or under any ordinance or authority of the mayor and city council of Baltimore.

Which was read.

Mr. Brent of Balt. city, moved to amend said amendment by adding at the end thereof, the following:

“Or for platforms for political speakers to stand on, music, transparencies and other incidental expenses necessary and proper;”

Determined in the negative.

The question then recurred and was put upon the amendment as offered by Mr. Dorsey, and

Determined in the negative.

Mr. Dorsey, moved further to amend said report by adding at the end thereof as an additional section the following:

No person in this State holding any office or appointment under the constitution or laws of the United States, or any of the officers thereof, shall give, contribute or subscribe any sum or sums of money or other article of value, to be used in any electioneering canvass, or to be expended in any way, in relation to any election to be held under the constitution or laws of this State, or ordinances of the Mayor and City Council of Baltimore, and any person herein offending shall upon conviction thereof, in a court of law, be fined and imprisoned as from time to time may hereafter be provided by the Legislature ; and be forever thereafter incapable of voting at any subsequent election, and of holding any office or appointment of any nature or description whatever, under the laws or constitution of this State, or under the ordinances or authority of the Mayor and City Council of Baltimore.

Determined in the negative.

Mr. Dorsey, then moved to amend said report by adding at the end thereof the following as an additional section:

No person in this State shall himself or through the agency of others receive, use or expend any sum or sums of money or other thing of value given contributed or subscribed by any person or persons whatsoever living out of the State of Maryland to be made

operative in any electioneering canvass, in relation to any election about to be held under the laws or constitution of this State, or of the ordinances or authority of the Mayor and City Council of Baltimore ; such person so receiving, using or expending and each and every of his agents therein, upon conviction in a court of law, shall be fined and imprisoned as the Legislature may from time to time direct ; and be forever thereafter incapable of voting at any future election of any nature or kind in this State, or in the city of Baltimore, or of holding any office or appointment under either.

Determined in the negative.

Mr. Dorsey, moved to amend said report by inserting after the word "office," in the 2nd section, 9th line, the following:

Or appointment under the laws or constitution of this State, or the ordinances or authority of the Mayor and City Council of Baltimore, or to vote thereafter at any election therein, and the person to whom such bribe, present, reward, promise or security may have been offered or given, shall be a competent witness to prove the offence, and may be compelled to testify as such, and if so testifying should he have received the same, he shall be exempt from all punishment therefor ; and the person by whom such bribe, present, reward, promise or security may have been proffered or given, shall be a competent witness, and may as such be compelled to testify, and if so testifying, he shall be exempt from all prosecution or punishment for the offence by him committed ; provided, always, that such exemption from prosecution and punishment shall only be extended to that party who shall first appear before the grand jury to testify against the other party ; and that neither party shall be compelled to give testimony unless protected from punishment by the exemption hereinbefore provided.

Which was read.

Mr. Chambers, of Kent, moved for a division of the question upon the first branch of said amendment, being in these words, "or appointment under the laws or constitution of this State, or the ordinances or authority of the Mayor and City Council of Baltimore, or to vote thereafter at any election therein ;"

Determined in the negative.

The question was then put on the second branch of said amendment, and

Determined in the negative.

Mr. Dorsey, then moved to amend said report by adding at the end thereof as an additional section the following:

It shall be the duty of the General Assembly of Maryland to pass laws punishing with imprisonment as well as a fine, any person who shall remove into any election district of Howard District or Anne Arundel county, or into any ward in the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting therein at an approaching elec-

tion, or who shall vote in any such election district or ward, in which he does not reside, except in a case provided for in the first article of this constitution, or shall at the same election vote in more than one of such election districts or wards, or shall vote or offer to vote in any name, not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside, or shall vote or offer to vote in virtue of a certificate of naturalization granted to another person, and any person convicted of any of the foregoing offences in a court of law, shall not only be punished as aforesaid, but shall be incapable thereafter of voting at any election in this State, or holding any office or appointment of any nature or description under the constitution or laws of this State, or under any ordinance or laws of the mayor and city council in Baltimore.

Determined in the negative.

Mr. Crisfield, moved to amend said report by adding at the end thereof the amendment offered by him on yesterday, being in these words:

“Laws should be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.”

Mr. Parke, moved to amend said report by inserting after the word “person,” where it occurs the second time in the 3rd line of the 3rd section, these words “legally declared.”

Pending the question on these amendments,

Mr. Tuck moved that the committee rise, and report the articles on the Elective Franchise with the amendments adopted and those pending, to the Convention.

Determined in the affirmative.

The committee accordingly rose, the President resumed the chair, and the chairman reported that said committee had in obedience to order had said report again under consideration, and had instructed him to report the same to the Convention, with such amendments as had been adopted and those pending thereto.

On motion of Mr. Chambers, of Kent,

The report with the amendments adopted and pending, were ordered to be printed, and their further consideration postponed until Monday next the 27th inst.

Mr. Brent, of Baltimore city, moved the following order as a substitute for the one offered by him this morning.

Ordered, That the standing rules of this Convention, be so amended as to apply the previous question without restriction and without debate to the matter then pending, and to such amendments thereto as may be offered consistently with existing rules, after the call for the previous question has been sustained, and in voting on the matter pending when the previous question is sustain-

ed and the amendments thereto as aforesaid, the previous question shall then be exhausted.

And be it further ordered, That all rules, which allow this Convention to resolve itself into committee of the whole be rescinded. Which was read.

The Convention then adjourned until to-morrow morning 11 o'clock.

THURSDAY, January 23rd, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention a report from the clerk to the commissioners of tax for St Mary's county, relative to fees and perquisites paid the Attorney General and his Deputies by said county ;

Which was read and referred to the committee on the Attorney General and his Deputies.

The President also laid before the Convention an account of the clerk of Charles county court, for services rendered under the resolution of the Convention of 15th November ;

Also, an account of the clerk to the commissioners of tax for Charles county, for services rendered under an order of the Convention ;

Which were referred to the committee on Accounts.

Mr. Ridgely, presented a communication of E. Smardon and others, of Baltimore county, touching public Education :

Which was read and referred to the committee on Education.

On motion of Mr. Stewart, of Balt. city, it was

Ordered that the President of this Convention be authorised to pay to the Printers and Reporter of the Convention, from time to time, such sums of money as may be due to them respectively according to their contracts, upon the certificate of the committee on Printing.

On motion of Mr. Brent, of Balt. city,

The Convention took up for consideration the orders submitted by him on yesterday, in relation to amending the standing rules ;

The said orders having been read,

Mr. Ricaud, moved to lay said orders on the table ;

Mr. Brent, of Balt. city, moved that the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Brent, of Charles, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Bowie, Sprigg, Bowling, Wright, McMaster, Fooks, Jacobs, Schley, Fiery, John Newcomer, Harbine, Davis, Weber and Smith—37.

NEGATIVE—Messrs. Merrick, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Tuck, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Prestman, Ware, Brewer, Hollyday, Slicer, Fitzpatrick, Parke, Cockey and Brown—38.

So the Convention refused to lay the orders on the table.

The question then recurred upon the adoption of the orders.

Mr. Brent, of Baltimore city, moved for a division of the question upon each order.

The President announced that the hour had arrived for taking up the order of the day.

Mr. Biser, moved to postpone the order of the day.

Determined in the affirmative.

The question then recurred and was put upon the adoption of the 1st order as offered by Mr. Brent, of Baltimore city, and

Determined in the affirmative.

The question then recurred upon the adoption of the second order.

Mr. Brent of Baltimore city, withdrew said order.

On motion of Mr. Blakistone, it was

Ordered, That the Secretary of the Convention cause the rules as amended to be printed for the use of the members of this body.

The Convention then proceeded to the consideration of the order of the day, being the report submitted by Mr. Merrick, as chairman of the committee on Representation, on the 11th ult.

Mr. Sollers, moved that said report be committed to a committee of the whole.

Mr. Dent, moved that said report be postponed until the 15th of February next;

Mr. Merrick, moved that said report be postponed until Thursday next, the 30th inst.

Mr. Brown, moved the previous question, that is :

“Shall the main question be now put?” and it was

Determined in the affirmative.

The question was then put on the motion of Mr. Dent, to postpone said report until the 15th of February.

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, which being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Sellman, Dalrymple, Bond, Buchanan, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Eccleston, Chambers, of Cecil, McCullough, McLane, Bowie, Sappington, Stephenson, McHenry, Nelson, Brent, of Baltimore city, Fiery, John Newcomer, Harbine, Kilgour and Fitzpatrick—29.

NEGATIVE—Messrs. Chapman, President, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sollers, Brent, of Charles, Merrick, Bell, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Phelps, Miller, Tuck, Sprigg, Bowling, Spencer, Wright, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Presstman, Ware, Schley, Davis, Brewer, Weber, Hollyday, Slicer, Smith, Parke, Shower, Cockey and Brown—56.

So the Convention refused to postpone the consideration of the report until the 15th of February.

The question then recurred upon the motion of Mr. Merrick, to postpone the consideration of the report, until Thursday next, 30th inst.;

Mr. John Newcomer, inquired of the chair whether it would be in order for him to make a motion before the previous question was exhausted?

The chair stated that under the rule as amended this morning, it would be in order.

Mr. John Newcomer, then moved to postpone the consideration of said report until the 1st Monday in February next;

Determined in the negative.

The question then recurred on the motion of Mr. Merrick, to postpone said report until Thursday next, the 30th inst.; and

Determined in the negative.

The question then recurred on the motion of Mr. Sollers, to commit said report to the committee of the whole.

Mr. Tuck, moved the previous question, that is,

“Shall the main question be now put?” and it was

Determined in the affirmative.

The question was then put on the motion of Mr. Sollers, to commit the report to the committee of the whole house, and

Determined in the negative.

On motion of Mr. Phelps,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Dorsey, Wells, Randall, Dalrymple, Bond, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Miller, McLane, Tuck, Bowling, McMaster, Fooks, Jacobs, Gwinn, Stewart, of Baltimore city, Schley, Davis and Smith—34.

NEGATIVE—Messrs. Donaldson, Sellman, Brent, of Charles, Merrick, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Bowie, Sprigg, Spencer, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Bient, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Kilgour, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—46.

So the Convention refused to commit the report to the committee of the whole.

Mr. Spencer, then moved to recommit the report to the committee on representation, with instructions that they report articles of the constitution on some basis of representation, fixing the representation in the House of Delegates and Senate.

Mr. Thomas, moved to amend said motion by striking out the instructions to the committee.

Which amendment was accepted by Mr. Spencer.

Mr. Gwinn, moved the following order, as a substitute for the motion of Mr. Spencer :

Ordered, That the committee on Representation be instructed to report a plan of representation in the Senate and House of Delegates, giving one delegate to each five thousand of population in the counties and city of Baltimore, in the House of Delegates, and dividing no county or city of Baltimore, and to constitute the Senate of senatorial districts, of which the city of Baltimore shall be one, and to arrange the said districts in such a manner that they may be, as far as possible, equal in population,—and to provide that each senatorial district should have five delegates,

Which was read.

Mr. Davis, moved that the Convention adjourn, which motion he waived to enable Mr. McHenry to give notice that when the report of the committee on the Elective Franchise came up for consideration, he should offer sundry amendments, which he moved should be printed.

Determined in the affirmative.

Mr. Davis, then withdrew his motion to adjourn.

Mr. Dashiell, renewed the motion to adjourn, and on the question being put, it was

Determined in the negative.

The question then recurred upon the order submitted by Mr. Gwinn.

On motion,

The Convention adjourned until to-morrow morning 11 o'clock.

FRIDAY, January 24th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Parke, presented the petition of 17 officers and members of "Lippard Circle, Brotherhood of the Union, (H. F.) No. 3. of the State of Maryland, No. 86 of the Continent of America," of the Town of Union Bridge, Carroll county, Maryland, and

Also, of 17 other citizens of Maryland, praying that a certain portion of real estate may be exempted in the new constitution, from any forced sale, extent or levy, on execution or decree from or by any court of law or equity;

Which was read and referred to the committee on the Bill of Rights.

Mr. Wells, chairman of the committee on Accounts, submitted the following report:

The committee of Accounts beg leave to report that the several accounts herewith filed numbered respectively, No. 1, 2, 3 and 4; have been examined by them, which they believe correct, that under resolution No 67, passed at December session 1849, they are of opinion they should be paid by an order on the Treasury, drawn by the President of this body, they beg leave to suggest the adoption of the following resolution:

Resolved, That the amount of the accompanying accounts, being \$458.14, be paid by an order drawn on the Treasury by the President of this Convention.

G. WELLS,
W. WILLIAMS,
EDWARD LLOYD,
ALEX. NEILL, Jr.,
ELIAS WARE, Jr.

Committee on Accounts.

Which was twice read and adopted.

Mr. Presstman, submitted the following resolution :

Resolved, That the Legislature shall not pass any law to abolish the relation of master and slave as it now exists in this State, and that the committee on the Legislative Department be instructed to report an article to carry out this provision.

Which was twice read and adopted.

Mr. Merrick, submitted the following order :

Which was twice read and adopted.

Ordered, That committee No. 14, be instructed to inquire into the expediency of providing in the constitution for a Board of Public Works, to consist of a President and two members, to be chosen every third year, one member by the separate vote of each branch of the Legislature, and the President by joint ballot of both houses, the person thus elected President of said Board to receive always the vote of the State of Maryland for the office of President of the Chesapeake and Ohio Canal Company, and the Legislature to provide suitable and adequate salaries for the persons composing said board.

Mr. Tuck, submitted the following resolution :

Resolved, That the committee on Printing be authorized to have a suitable index made to the Journal of proceedings, and also to the debates of the Convention;

Which was read.

The President announced that the hour had arrived for taking up the order of the day,

Mr. Spencer, moved to postpone the order of the day;

Determined in the negative.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Merrick, as chairman of the committee on Representation, on the 11th ult.

The question before the Convention being upon the order offered by Mr. Gwinn on yesterday, as a substitute for the motion of Mr. Spencer, to recommit the report.

Mr. Gwinn, withdrew his order.

The question then recurred on the motion of Mr. Spencer, to recommit the report.

Mr. Gwinn, withdrew the amendment offered by him on the 11th ult., as an amendment to the 2nd resolution, reported by the committee on Representation.

The question again recurred upon the motion of Mr. Spencer to recommit.

After debate thereon,

Mr. Biser, moved the previous question, that is:

“Shall the main question be now put?” and it was

Determined in the affirmative.

The question was then put on the motion of Mr. Spencer to recommit.

Mr. Chambers of Kent, moved that the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Colston, Miller, McLane, Spencer, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Brent of Baltimore city, Presstman Ware, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—35.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Phelps, Bowie, Tuck, Sprigg, Bowling, McMaster, Fooks, Jacobs, Thawley, Schley, Fiery, John Newcomer, Harbine, Davis, Waters and Smith—41.

So the Convention refused to recommit the report.

Mr. Spencer, then moved to recommit the report to committee on Representation, "with instructions to report a basis of representation on some fair principle of compromise."

Mr. Presstman, moved to amend the motion of Mr. Spencer, by striking out and substituting in lieu thereof the following :

"That the committee on Representation and Apportionment be requested to report a plan of apportionment and representation, making numbers the basis of representation to the House of Delegates, and of mixed basis of population and territory as for representation in the Senate;"

Mr. Tuck, moved for a division of the question upon each branch of the amendment as offered by Mr Presstman.

Mr. Presstman withdrew said amendment.

Mr. Blakistone, then moved to amend the motion of Mr. Spencer, by striking out and substituting in lieu thereof the following :

"That the committee on Representation and Apportionment, be requested to report a plan of apportionment and representation, making numbers exclusively the basis of representation to the House of Delegates;"

And moved the previous question, that is :

"Shall the main question be now put?" and it was Determined in the affirmative.

The question was then put, on the amendment as offered by Mr. Blakistone.

Mr. Blakistone moved for the yeas and nays, which were ordered.

Mr. Brent, of Baltimore city moved that the Convention adjourn.

Determined in the negative.

Mr. Gwinn, moved for the yeas and nays, which motion was not sustained.

The yeas and nays were then taken on the amendment as offered by Mr. Blakistone, as a substitute for the amendment offered by Mr. Spencer, and appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Gwinn, Brent, of Balt. city, Presstman, Ware, Parke, Shower and Brown--17.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Dalrymple, Bond, Sollers, Brent of Charles, Merrick, Jenifer, Ridgely, Lloyd, Dickinson, Colston, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Phelps, Miller, McLane, Bowie, Tuck, Sprigg, Bowling, Spencer, Wright, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Nelson, Thawley, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Davis, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Smith and Cockey--60.

So the amendment was rejected.

The Convention then adjourned until to-morrow morning 11 o'clock.

SATURDAY, January 25th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Johnson, chairman of the committee on the Legislative Department, submitted a report;

Which was read, and

On his motion, ordered to be printed.

Mr. Jenifer, chairman of committee No. 14, submitted an article in relation to master and slave;

Which was read, and

On motion of Mr. Jenifer,

Ordered to be printed and made the order of the day for Monday, 3rd of February.

Mr. Parke, offered sundry amendments to the report of the committee on the Declaration of Rights;

Which were read, and

On his motion, ordered to be printed.

On motion of Mr. Williams, it was

Ordered, That the President of this Convention request the Treasurer of State to furnish each of the members of the Convention with a copy of his annual report.

On motion of Mr. Chambers of Kent, it was

Ordered, 'That the committee No. 3, inquire into the expediency of prohibiting the passage of any law imposing a tax on money or debts due and owing by persons out of the State to persons residing in this State.

The Convention resumed the consideration of the resolution submitted by Mr. Tuck, on yesterday, authorising the committee on Printing, to have a suitable Index made to the Journal of Proceedings, and also to the Debates of the Convention.

Mr. Presstman, moved for a division of the question upon each branch of said resolution, so as to take the question first on that part of the order as related to an index to the journal of proceedings ;

The question was then put on the adoption of the first branch of the resolution, and

Determined in the affirmative.

The question was then put on the second branch of the resolution, and

Determined in the affirmative.

Mr. Thawley, submitted the following order :

Ordered, That the order adopted some weeks past, authorizing the printing of four extra journals for each member of this Convention be rescinded ;

Which was read.

On the question being put,

Will the Convention adopt said order?

Mr. Thawley, moved for the yeas and nays; which were ordered.

Mr. Spencer moved to lay said order on the table;

Pending the question on this motion ;

The President announced that the hour had arrived for taking up the order of the day ;

Mr. Bowie moved to postpone the order of the day ;

Determined in the negative.

The President laid before the Convention a report from the Treasurer of the State, in obedience to the order of the Convention of the 2nd ult.;

Which was read and ordered to be printed.

On motion of Mr. Brent, of Baltimore city,

Ordered, That a committee of three be appointed by the chair, for the purpose of examining the condition of the furnace under the chamber of the Convention, and report what alteration can be made to make the room more comfortable;

In pursuance whereof, the President appointed Messrs. Brent, of Baltimore city, Randall and Sappington, to compose the committee.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Merrick, as chairman of the committee on Representation, on the 11th ult.;

The question pending before the convention, being on the motion of Mr. Spencer, to recommit the report to the committee on Representation with instructions to report a basis of representation on some fair principle of compromise.

Mr. Chambers of Kent, moved to amend said amendment by adding at the end thereof, the following:

“In such manner that the city of Baltimore shall be entitled to the same number representatives in the House of Delegates, as may be allowed to the largest county in the State.”

After debate thereon,

The Convention adjourned until Monday morning 11 o'clock.

MONDAY, January 27th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of Saturday were read.

On motion of Mr. Dirickson, it was

Ordered, That it be entered upon journal that Messrs. John Lee, of Kent, and L. L. Dirickson, of Worcester, vote in the negative upon the proposition submitted as a substitute by Mr. Blakistone of St. Mary's, on Friday last, which said motion is in the following words—That the committee on Representation and Apportionment be requested to report a plan of apportionment and representation—making numbers exclusively the basis of representation to the House of Delegates.

The Convention took up for consideration the unfinished business of Saturday, being the order submitted by Mr. Thawley, rescinding the order heretofore adopted authorising the printing of four extra journals for each member of the Convention.

The question pending before the Convention, being on the motion of Mr. Spencer, to lay said order on the table;

Mr. Spencer, withdrew said motion to lay on the table.

The yeas and nays having been previously ordered, on the adoption of the order, were then taken and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Ricaud, Sellman, Buchanan, Bell, Welch, Dickinson, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Miller, Spencer, George, Wright, Dirickson, Hearn, Shriver, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Brewer, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—47.

NEGATIVE.—Messrs. Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Wells, Randall, Jenifer, Lloyd, Hicks, Goldsborough, McLane, Sprigg, McCubbin, McMaster, Fooks, Jacobs, Gaither, Magraw, Pressman, Harbine, Waters and Weber—23.

So the order to rescind was adopted.

Mr. Parke, submitted the following order :

Ordered, That the proposed amendments to the report of the committee on the Declaration of Rights, submitted by Mr. Parke, on Saturday last, be printed upon the journal ;

Which was read.

Mr. Weber, offered as a substitute for said order the following :

Ordered, That all reports of articles for the constitution, and all proposed amendments, shall be printed on the journal ;

Which was read.

Mr. Parke, accepted the substitute.

The question then recurred and was put on the adoption of the order, and

Determined in the negative.

On motion of Mr. Chambers, of Kent,

The Convention reconsidered their vote just taken on said order

On motion of Mr. Chambers of Kent,

Said order was amended by striking out these words, "and all proposed amendments ;"

The said order was then adopted as amended.

On motion of Mr. Blakistone, it was

Ordered, That the committee on Printing be instructed to direct the printer of the journal to forward one copy of the journal of proceedings of the convention, to the editors of newspapers in the several counties in this State and the city of Baltimore.

Mr. Blakistone, gave notice that on to-morrow, he should move to change the 17th rule, and also to rescind the 29th rule.

The President announced that the hour had arrived for taking up the orders of the day ;

The first order of the day being the report of the committee of the whole on the Elective Franchise, and the amendments pending thereto ;

On motion of Mr. Chambers, of Kent,

Said order of the day was postponed.

The Convention then resumed the consideration of the 2nd order of the day, being the report submitted by Mr. Merrick, as chairman of the committee on Representation, on the 11th ult.;

The question pending before the Convention, being on the amendment offered by Mr. Chambers, of Kent, to the amendment proposed by Mr. Spencer, to recommit the report with instructions.

Mr. Chambers, of Kent, moved to commit the report with the amendments pending to a committee of the whole house;

Mr. Brown, moved to lay the report and motion to commit on the table; and moved the question be taken by yeas and nays, which being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Sellman, Buchanan, Bell, Welch, Lloyd, Dickinson, Colston, Miller, McLane, Spencer, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Stewart, of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown.—39.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Wells, Randall, Kent, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Fiery, Waters and Smith.—33.

So the whole subject was laid on the table.

On motion of Mr. Spencer,
The Convention adjourned until to-morrow morning 11 o'clock.

TUESDAY, January 28th, 1851.

The Convention met,
Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Blakistone, (in accordance with the notice given by him on yesterday,) moved to strike out the 17th rule of the Convention, and substitute in lieu of it the following:

“The previous question shall be always in order in Convention, if seconded by a majority, and until decided, shall preclude all further amendment and debate, and shall be in this form: “shall the main question be now put?” when on taking the previous

question the Convention shall decide that the same shall not now be put, the main question shall be still under consideration, and if the previous question is sustained, the main question shall be on the adoption of the proposition under consideration, and in cases where there shall be pending amendments, the question shall be first taken upon such amendments in their order, and without further debate or amendment."

Mr. Biser moved to lay said amendment on the table;

Determined in the affirmative.

Mr. Johnson, chairman of the committee on the Legislative Department, submitted the following

REPORT:

Section 1st. The Legislative power of this State shall be vested in two distinct branches, the one to be styled the Senate, the other the House of Delegates, and both together "the General Assembly of Maryland."

Sec. 2nd. The Senators shall be elected by the qualified voters, for the term of four years, and the Delegates for the term of from the day of the general elections.

Sec. 3rd. The first election for Senators and Delegates shall take place on the first Wednesday of October eighteen hundred and fifty-one, and on the same day in every second year forever thereafter the general elections for Delegates; and for one-half of the Senators as nearly as practicable, shall be held.

Sec. 4th. Immediately after the Senate shall have convened after the first election under this constitution, the Senators shall be divided by lot into two classes as nearly equal in number as may be, the Senators of the first class shall go out of office at the expiration of two years, and Senators shall be elected on the first Wednesday of October eighteen hundred and fifty-three, for the term of four years, to supply their places; so that, after the first election one-half of the Senators may be chosen every second year. In case the number of Senators be hereafter increased, such classification of the additional senators shall be made as to preserve as nearly as may be, an equal number in each class.

Sec. 5th. The General Assembly shall meet on the first Wednesday of January eighteen hundred and fifty-two, and on the same day in every year forever thereafter, and at no other time unless convened by the proclamation of the Governor, who shall have power to convene the same whenever he may deem it expedient and proper.

Sec. 6th. The General Assembly may continue their first two sessions after the adoption of this constitution as long as in the opinion of the two Houses, the public interest may require it, but all subsequent regular sessions of the General Assembly shall be closed on the tenth day of March ensuing the time of their commencement, unless the same shall be closed at an earlier day by the agreement of the two Houses.

Sec. 7th. No person shall be eligible as a Senator or Delegate who, at the time of his election, is not a citizen of the United States, and who has not resided at least three years next preceding the day of his election in the State, and the last year thereof in the which he may be chosen to represent, if such shall have been so long established, and if not, then in the county from which in whole or in part, the same may have been formed; nor shall any person be eligible as a Senator unless he shall have also attained the age of years, nor as a Delegate unless he shall have also attained the age of twenty-one years at the time of his election.

Sec. 8th. No member of Congress, or person holding any Civil or Military office under the United States, shall be eligible to a seat in the General Assembly, and if any person shall after his election as a member of either House of the General Assembly, be elected to Congress or be appointed to any office, Civil or Military, under the government of the United States, his acceptance thereof shall vacate his seat.

Sec. 9th. No Priest, Clergyman or Teacher of any religious persuasion, society or sect, and no person holding any civil office of profit under this State, except Justices of the Peace, shall be capable of having a seat in the General Assembly.

Sec. 10. Every Senator and Delegate before he acts as such shall take and subscribe the following oath or affirmation, viz: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution of the State of Maryland, and that I will faithfully discharge my duties as a Senator, (or Delegate as the case may be,) without prejudice or partiality, and to the best of my ability."

Sec. 11. The Senate upon assembling, shall choose a President and its other officers, and the House of Delegates when assembled shall choose a Speaker and its other officers—each House shall be judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

Sec. 12th. A majority of each House shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

Sec. 13. The doors of each House and of committees of the whole shall be open, except when the business is such as ought to be kept secret.

Sec. 14th. Each House shall keep a journal of its proceedings and cause the same to be published—the yeas and nays of the members on any question shall, at the desire of any five of them, be entered on the journal.

Sec. 15th. Neither house shall, without the consent of the other, adjourn for more than three days; nor to any other place than that

in which the houses shall be sitting, without the concurrent vote of two-thirds of the members present of both Houses.

Sec. 16th. The enacting clause of every bill shall be, "Be it enacted by the General Assembly of Maryland," and no law shall be enacted except by Bill.

Sec. 17th. Any bill may originate in either house of the General Assembly, and be altered, amended or rejected by the other, but no Bill shall have the force of a law until it be read on three different days in each House, unless in case of urgency three-fourths of the House, where such Bill is depending, shall dispense with this rule.

Sec. 18th. No Bill shall become a law unless passed in each House by a majority of the whole number of members elected, and on the question of its final passage the ayes and noes shall be recorded.

Sec. 19th. No money shall be drawn from the Treasury of this State but in consequence of appropriations made by law, an accurate statement of the receipts and expenditure of public money shall be attached to and published with the laws after each regular session of the General Assembly.

Sec. 20th. No divorce shall be granted by the General Assembly, nor any tax or other burden be levied on the persons or property of the people for the support of any religious sect or denomination.

Sec. 21st. No loans shall be made upon the credit of this State which are not redeemable at the pleasure of the State: except such as may be authorised by an act of Assembly, passed at one session and ratified and confirmed at the next succeeding regular session of the General Assembly.

Sec. 22nd. No extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant or contractor after the services shall have been rendered, or the contract entered into, nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

Sec. 23rd. No county now established by law, shall ever be reduced by the establishment of any new county, to a population of less than thousand, nor shall any new county be hereafter established with a population of less than thousand.

Sec. 24th. No senator or delegate shall during the term for which he shall have been elected be appointed to any civil office in this State which shall have been created, or the salary or emoluments of which shall have been increased during such term, and no senator or delegate during the time he shall continue to act as such, shall be eligible to any civil office.

Sec. 25th. Each House may determine the rules of its own proceedings, punish a member for disorderly or disrespectful behaviour, and with the consent of two-thirds expel a member; but no member shall be expelled a second time for the same offence.

Sec. 26th. Each House may punish by imprisonment during the session of the General Assembly any person not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings or any of its officers, in the execution of their duties; provided, such imprisonment shall not at any one time exceed ten days.

Sec. 27th. The members of each House shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at the sessions of the General Assembly, and in going to and returning from the same, allowing one day for every thirty miles such member may reside from the place at which the General Assembly is convened.

Sec. 28th. No senator or delegate shall be liable in any civil action or criminal prosecution whatever for words spoken in debate

Sec. 29th. The House of Delegates may inquire on the oath of witnesses into all complaints, grievances and offences, as the grand inquest of the State, and may commit any person for any crime, to the public jail, there to remain until discharged by due course of law—they may examine and pass all accounts of the State, relating either to the collection or expenditure of the revenue, or appoint auditors to state or adjust the same,—they may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their enquiries concerning affairs relating to the public interest, and may direct all office bonds, which shall be made payable to the State, to be sued for any breach of duty.

Sec. 30th. In case of the death, disqualification, refusal to act, expulsion or removal from the county or district for which he shall have been elected, if any person shall have been chosen as a Delegate or Senator, or in case of a tie between two or more qualified persons a warrant of election shall be issued by the Governor, or person exercising the functions of Governor for the time being, for the election of a Senator or Delegate as the case may be, to supply the vacancy, of which not less than ten days notice, exclusive of the day of notice and day of election shall be given; provided, however, that unless a meeting of the General Assembly may intervene, or the vacancy shall occur during the session of the General Assembly the election to fill the same shall take place on the day of the ensuing general election.

Sec. 31st. The Senators and delegates shall receive such compensation for their services as may be allowed by law; but no law increasing or diminishing the compensation shall be made to take effect until after the general elections next ensuing the passage thereof. No book or other printed matter not appertaining to the business of the session shall be subscribed for for the use of the members, or be distributed among them.

Sec. 32nd. No law passed by the General Assembly shall take effect until the expiration of days, from the closing of the sessions at which it may be passed, unless it be expressly de-

clared on the face of the law, that it shall take effect on or after a different day ; and no law of a public nature shall take effect until the same shall be published.

Sec. 33rd. The General Assembly shall have full power to exclude from the privilege of voting at elections, or of being elected to either House or of being elected or appointed to any civil or military office in this State, any person convicted of perjury, bribery, or other infamous crime.

Sec. 34th. The General Assembly may confer upon
of the several counties such powers of local legislation and administration as they may prescribe, provided however, that all laws conferring such powers shall be general in their nature and shall extend to all the counties of the State.

Sec. 35th. Every bill passed by the General Assembly, when engrossed, shall be presented by the Speaker of the House of Delegates, in the Senate chamber, to the Governor for the time being, who shall sign the same and thereto affix the great seal in the presence of the members of both Houses ; every law shall be recorded in the office of the court of Appeals of the Western Shore, and in due time be printed, published and certified under the great seal to the several county courts in the same manner as has been heretofore usual in this State.

Sec. 36th. No person who may hereafter be a collector, receiver or holder of public monies, shall have a seat in either House of the General Assembly or be eligible to any office of profit or trust under this State until he shall have accounted for and paid into the Treasury all sums for which he may be liable.

Sec. 37th. All laws and parts of laws not inconsistent with this constitution shall continue in force according to their respective provisions, subject nevertheless to be altered, amended or repealed by the General Assembly.

Which was read.

Mr. Prestman from the committee on the Legislative Department, submitted the following additional provisions :

“No person shall be imprisoned for debt.

The Legislature shall not pass any law abolishing the relation of master and slave as it now exists in this State.

That the Legislature at its first session after the adoption of the Constitution, shall appoint one Commissioner to revise, digest and arrange the statute laws of the State, civil and criminal, and one commissioner to revise, simplify and abridge the rules and practice, pleadings, forms and proceedings of the courts of record of this State.

The legislature shall have power to protect by law from forced sale, a certain portion of the property of all heads of families.

Taxation shall be equal and uniform throughout the State.”

Which was read,

On motion of Mr. Jenifer,

The Convention took up for consideration the article submitted by him on the 25th inst., as chairman of committee No. 14, in relation to master and slave, being as follows :

“The relation of master and slave in this State shall not be abolished, unless a bill to abolish the same, shall be passed by a unanimous vote of the members of each branch of the General Assembly, and shall be published at least three months before a new election of delegates, and shall be confirmed by a unanimous vote of the members of each branch of the General Assembly, at the next regular constitutional session, after such new election, nor then without full compensation to the master for the property of which he shall be thereby deprived ;”

Which was read.

Mr. Bowie, offered as a substitute for said article the following :

“The Legislature shall not pass any law to abolish the relation of master and slave as it now exists in this State ;”

Which was read.

On motion of Mr. Jenifer,

Said report and substitute was postponed until Monday next, the 3rd of February.

Mr. Brent, of Baltimore city, submitted the following order :

Ordered, That this House will on Friday next, adjourn to the Monday following, in order to allow the furnace to be repaired, and that the committee appointed to superintend the comfort of the Hall, be authorised to contract with some suitable person to examine and repair the furnace and to ventilate the room properly.

Which was twice read and adopted.

On motion of Mr. Tuck,

The Convention took up for consideration the report of the committee of the whole on the Elective Franchise, and the amendments pending thereto ;

Mr. Dorsey, moved to postpone said report until to-morrow, the 29th inst. ;

Determined in the affirmative.

On motion of Mr. Blakistone,

The Convention took up for consideration the following report submitted by Mr. Dorsey on the 11th inst., as chairman of the committee on the Declaration of Rights :

“We the Delegates of Maryland, in Convention assembled, taking into our most serious consideration, the best means of establishing a good constitution in this State, declare,

Article 1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

Art. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

Art. 3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England or Great Britain, and have been introduced, used and practiced by the courts of law or equity, and also to all acts of assembly in force on the first Monday of November, 1850, except such as may have since expired, or may be altered by acts of this Convention, or this Declaration of Rights, subject, nevertheless, to the revision of, and amendment or repeal by the Legislature of this State, and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty Charles the First, to Cæcilius Calvert, Baron of Baltimore.

Art. 4. That all persons invested with the Legislative or Executive powers of government are the trustees of the public, and as such accountable for their conduct ; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Art. 5. That the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free government, for this purpose elections ought to be free and frequent, and every free white male citizen having the qualifications prescribed by the constitution, ought to have the right of suffrage.

Art. 6. That the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other.

Art. 7. That no power of suspending laws, or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed.

Art. 8. That freedom of speech and debates, or proceedings in the Legislature, ought not to be impeached in any court of judicature.

Art. 9. That Annapolis be the place for the meeting of the Legislature ; and the Legislature ought not to be convened or held at any other place but from evident necessity.

Art. 10. That for the redress of grievances, and for amending, strengthening and preserving the laws, the Legislature ought to be frequently convened.

Art. 11. That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

Art. 12. That no aid, charge, tax, burthen, fee or fees, ought

to be set, rated or levied, under any pretence, without the consent of the Legislature.

Art. 13. That paupers ought not to be assessed for the support of Government, but every other person in this State, or person holding property therein, ought to contribute his proportion of public taxes, for the support of Government, according to his actual worth in real or personal property ; yet fines, duties or taxes may properly and justly be imposed or laid, on persons or property, with a political view, for the good government and benefit of the community.

Art. 14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the State ; and no law to inflict cruel and unusual pains and penalties ought to be made, in any case, or at any time hereafter.

Art. 15. That retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty ; wherefore, no *ex post facto* law ought to be made.

Art. 16. That no law to attain particular persons of treason or felony, ought to be made in any case, or at any time hereafter.

Art. 17. That every free man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

Art. 18. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.

Art. 19. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him ; to have a copy of the indictment or charge, in due time (if required) to prepare for his defence ; to be allowed council, to be confronted with the witnesses against him ; to have process for his witnesses ; to examine the witnesses for and against him on oath ; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

Art. 20. That no person ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this State, or may hereafter be directed by the Legislature.

Art. 21. That no free man ought to be taken or imprisoned, or dis seized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

Art. 22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the courts of law.

Art. 23. That all warrants, without oath, or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive ; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal and ought not to be granted.

Art. 24. That there ought to be no forfeiture of any part of the estate of any person for any crime, except murder or treason against the State, and then only on conviction and attainder.

Art. 25. That a well regulated militia is the proper and natural defence of a free Government.

Art. 26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the Legislature.

Art. 27. That in all cases and at all times, the military ought to be under strict subordination to, and control of the civil power.

Art. 28. That no soldier ought to be quartered in any house in time of peace without the consent of the owner, and in time of war, in such manner as the Legislature shall direct.

Art. 29. That no person except regular soldiers, mariners and marines, in the service of this State, or militia when in actual service, ought in any case to be subject to, or punishable by martial law.

Art. 30. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore the Chancellor and Judges shall not be removed except for misbehavior, on conviction in a court of law, or by the Governor, upon the address of the General Assembly ; provided, that two-thirds of all the members of each House, concur in such address ; that salaries, liberal, but not profuse, ought to be secured to the Chancellor and the Judges during the continuance of their commissions, in such manner and at such time as the Legislature shall hereafter direct upon consideration of the circumstances of this State ; no Chancellor or Judge ought to hold any other office, civil or military, under the Constitution or Laws of this State, or of the United States, or of any member thereof, or receive fees or perquisites of any kind for the discharge of his official duties.

Art. 31. That a long continuance in the first executive departments of power or trust, is dangerous to liberty ; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

Art. 32. That no person ought to hold at the same time more than one office of profit, created by the Constitution or Laws of this State ; nor ought any person in public trust to receive any present from any Foreign Prince, or State, or from the United States, or any of them, without the approbation of this State.

Art. 33. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons are

equally entitled to protection in their religious liberty ; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless under color of religion, any man shall disturb the good order, peace, or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights ; nor ought any person to be compelled to frequent or maintain or contribute, unless on contract, to maintain any place of worship or any ministry.

Art. 34. That every gift, sale or devise of lands, to any minister, public teacher or preacher of the gospel, as such, or to any religious sect, order or denomination, or to, or for the support, use or benefit of, or in trust for any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination, and every gift or sale of goods or chattles, to go in succession, or to take place after the death of the seller or donor, to or for such support, use, or benefit ; and also every devise of goods or chattles to or for the support, use or benefit of any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination, without the leave of the Legislature, shall be void ; except always any sale, gift, lease or devise of any quantity of land, not exceeding five acres for a church, meeting or other house of worship, and for a burying ground, which shall be improved, enjoyed, or used only for such purpose ; or such sale, gift, lease or devise shall be void.

Art. 35. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this State and the United States, and such oath of office as shall be directed by this Convention, or the Legislature of this State.

Art. 36. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession or denomination of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being ; and that the people called Quakers, those called Tunkers, and those called Menonists, and all others conscientiously scrupulous of taking an oath on any occasion, ought to be allowed to make their solemn affirmation in the manner that Quakers have been heretofore allowed to affirm, and to be of the same avail as an oath, in all such cases as the affirmation of Quakers hath been allowed and accepted within this State, instead of an oath. And on such affirmation, warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded, and Quakers, Tunkers, Menonists and such others ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases.

Art. 37. That the city of Annapolis ought to have all its rights, privileges and benefits, agreeable to its charter, and the acts of Assembly confirming and regulating the same ; subject, neverthe-

less, to such alterations as have been made by the Legislature or as may be made by this Convention or any future Legislature.

Art. 38. That the liberty of the press ought to be inviolable preserved.

Art. 39. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

Art. 40. That no title of nobility or hereditary honors, ought to be granted in this State.

Art. 41. That this Declaration of Rights, or the Form of Government to be established by this Convention, or any part of either of them, ought not to be altered, changed or abolished, but in such manner as this Convention shall prescribe and direct."

The 1st article of said report having been read through,

Mr. Presstman, moved to amend said article by adding at the end thereof, the following:

"And they have at all times the unalienable right to alter, reform or abolish their form of government, in such manner as they may think expedient ;"

Mr. Hicks, moved to amend said amendment by adding at the end thereof, the following:

"And that any portion of the people of this State shall have the right to secede and unite themselves and the territory occupied by them to such adjoining State as they shall elect."

After debate thereon, at 3 o'clock, P. M.,

The Convention adjourned until to-morrow morning, 11 o'clock,

WEDNESDAY, January 29th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The Proceedings of yesterday were read.

Mr. Dorsey, presented a petition of James Sykes, and others, praying that Howard District of Anne Arundel county, may be made a separate county, to be called "Howard county ;"

Which was read.

Mr. Dorsey moved that said petition be referred to the committee on Representation.

Mr. Bowie, moved that said petition be referred to a select committee of five to be appointed by the Chair;

Determined in the affirmative.

The President thereupon appointed Messrs. Dorsey, Bowie, Smith, Harbine, and Ricaud to compose the committee.

On motion of Mr. Magraw, it was

Ordered, That a committee of three be appointed by the Chair, for the purpose of ascertaining what alteration can be made in the Hall that will add to the comfort of the members of the Convention;

In pursuance whereof, the President appointed Messrs. Magraw, Dirickson and Sappington, the committee.

Mr. Stephenson, submitted the following resolution :

Resolved, That from and after the third day of February next, this Convention will meet daily a 10 o'clock, A. M., except Mondays, on which days the hour of meeting shall be 11 o'clock, A. M.

Which was read,

Mr. Ridgely, moved to lay said resolution on the table ;

Determined in the negative.

On motion of Mr. Harbine,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pr't. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Kent, Jenifer, Buchanan, Bell, Welch, Ridgely, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, McLane, Bowie, Tuck, McCubbin, Bowling, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs and Waters.—35.

NEGATIVE—Messrs. Dickinson, Colston, James U. Dennis, Spencer, Grason, George, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Presstman, Ware, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—37.

So the Convention refused to lay the resolution on the table.

The question then recurred upon the adoption of the resolution.

Mr. John Newcomer, moved to amend said resolution by striking out "11 o'clock," and inserting in lieu thereof "10 o'clock;"

Determined in the affirmative.

On motion of Mr. Dashiell,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Morgan, Blakistone, Hopewell, Lee, Wells, Weems, Jenifer, John Dennis, James U. Dennis, Cris-

field, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Bowie, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Biser, Annan, Thawley, Stewart, of Caroline, Hardcastle, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Slicer, Smith and Shower—40.

NEGATIVE.—Messrs. Chapman, President, Dent, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Kent, Buchanan, Bell, Welch Ridgely, Dickinson, Colston, McLane, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Wright, Gaither, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Stewart, of Baltimore city, Pressman, Ware, Weber, Hollyday, Fitzpatrick, Parke, Cockey and Brown—37.

So the amendment was adopted.

On motion of Mr. Morgan,

The Convention was called.

On motion of Mr. McHenry,

Further proceedings under the call was dispensed with.

Mr. Brown, then moved to amend said order by striking out these words "except Mondays, on which days the hour of meeting shall be 10 o'clock, A. M.;"

Determined in the affirmative.

Mr. Tuck, moved to amend said order by adding at the end thereof these words "except Mondays, on which day the hour of meeting shall be half-past 11 o'clock, A. M.;"

Determined in the negative.

The question then recurred upon the adoption of the order;

Mr. Morgan, moved to lay said order on the table.

Mr. Stephenson, moved that the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Sellman, Weems, Jenifer, Buchanan, Welch, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, McLane, Bowie, Sprigg, McCubbin, Bowling, McMaster, Hearn, Fooks, Jacobs, Davis and Waters—38.

NEGATIVE —Messrs. Bell, Dickinson, Colston, McCullough, Tuck, Spencer, Grason, George, Wright, Dirickson, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Pressman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—40.

So the Convention refused to lay said order on table.

The question again recurred upon the adoption of the order.

Mr. Biser, gave notice that the hour had arrived for taking up the order of the day;

Mr. Harbine, moved to postpone the order of the day,
Determined in the negative.

Mr. Jenifer, chairman of committee No. 14, submitted the following article to the constitution:

“The legislature shall not pass any law to abolish or change the relation of Master and Slave as it now exists in this State.”

Which was read, and

On motion of Mr. Jenifer,
Said article was unanimously adopted.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey on the 11th ult., as chairman of the committee on the Declaration of Rights.

The question pending before the Convention, being on the amendment offered by Mr. Hicks on yesterday, to the amendment offered by Mr. Presstman.

After debate thereon,

Mr. Brown, moved the previous question, that is:

“Shall the main question be now put?” and it was

Determined in the negative.

The question then recurred and was put on the amendment as offered by Mr. Hicks, to the amendment offered by Mr. Presstman.

On motion of Mr. Presstman,

The question was taken by yeas and nays and appeared as follows:

AFFIRMATIVE—Messrs. Lee, Mitchell, Buchanan, Bell, Welch, Ridgely, Dickinson, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Phelps, Bowie, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Biser, Thawley, Michael Newcomer, Smith, Shower and Brown—27.

NEGATIVE—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Williams, McCullough, Miller, McLane, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Parke, and Cockey—51.

So the Convention refused to adopt the amendment to the amendment.

The question then recurred upon the adoption of the amendment as offered by Mr. Presstman.

Mr. Chambers, of Kent, moved to amend said amendment by adding at the end thereof the following: "according to the mode authorised by the constitution or laws of the land."

Pending the question on this amendment,

On motion of Mr. Ridgely,

The Convention adjourned until to-morrow morning 11 o'clock.

THURSDAY, January 30th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

On motion of Mr. Presstman, it was

Ordered, That the committee on the Judiciary inquire into the propriety of reporting a provision that the rights and interests of parties to a suit shall not be affected by any law passed during the pending of said suit in any court of law or equity in this State.

Mr. Michael Newcomer, presented a petition of sundry citizens interested in the inspections of Tobacco, Flour, Liquors, Fish, Lumber, Wood, Anthracite and Bituminous Coal, Plaister of Paris, Lime and Guano, praying that the principles of a free inspection may be engrafted in the Constitution.

Which was read and referred to the committee on Inspections.

The Convention resumed the consideration of the resolution offered by Mr. Stephenson, on yesterday, changing the hour of meeting of the Convention.

On motion of Mr. Sappington,

The Convention was called ;

On motion of Mr. Brown,

Further proceedings under the call was dispensed with.

The question was then put on the adoption of the order ;

Mr. John Newcomer, moved that the question be taken by yeas and nays, which being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Bell, Welch, Dickinson, Colston, Dashiell, Chambers, of Cecil, McCullough, Tuck, McCubbin, Spencer, Grason, Wright, McMaster, Hearn, Fooks, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. citv,

Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—43.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Blakistone, Dent, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Doisey, Wells, Kent, Weems, Bond, Jenifer, Ridgely, John Dennis, Williams, Hicks, Goldsborough, Phelps, McLane, Dirickson, Jacobs, Brent, of Balt. city, and Davis—26.

So the order was adopted.

On motion of Mr. Brown,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey, on the 11th inst., as chairman of the committee on the Declaration of Rights;

The question pending before the Convention being on the amendment offered by Mr. Chambers of Kent, on yesterday, to the amendment offered by Mr. Presstman, on the 28th inst.;

Mr. Fiery, moved the previous question, that is,

“Shall the main question be now put?” and it was

Determined in the negative.

The question then recurred on the amendment to the amendment;

After debate thereon,

Mr. Kilgour, moved that the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

FRIDAY, January 31st, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention a communication from the Treasurer of the State, relative to the interest on taxes which has been remitted by the Executive under the provisions of

chapter 207, of December session 1842, as required by the order of the Convention of 3rd inst.;

Which was read, and

On motion of Mr. Brown,

Ordered to be printed.

Mr. McLane, chairman of the committee on the Treasury Department, submitted the following report:

The committee appointed "to consider and report respecting the Treasury Department,"

REPORT :

Article 1st. There shall be a Treasury Department, consisting of a Comptroller chosen by the qualified electors of the State at each election of members of the House of Delegates, and shall receive an annual salary of three thousand dollars; also of a Treasurer to be appointed by the two houses of the Legislature at each session thereof on joint ballot, who shall receive an annual salary of two thousand dollars; and neither of the said officers shall be allowed or receive any fees, commissions or perquisites of any kind in addition to his salary, for the performance of any duty or service whatever. In case of a vacancy in either of the offices by death or otherwise, the Governor by and with the advice and consent of the Senate, shall fill such vacancy by appointment to continue until another election by the people or a choice by the Legislature as the case may be. The Comptroller and the Treasurer shall keep their offices at the seat of government, take such oath and enter into such bonds for the faithful discharge of their duties as the Legislature may prescribe.

Art. 2nd. The Comptroller shall have a general superintendence of the fiscal affairs of the State; digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall report estimates of the revenue and expenditure of the State, and superintend and enforce the collection of all taxes and revenue; adjust, settle and preserve all public accounts, decide on the forms of keeping and stating accounts, and grant, under regulations prescribed by law, all warrants for monies to be issued from the treasury in pursuance of appropriations by law, prescribe the formalities of the transfer of stock or other evidences of the State debt, and countersign the same, without which such evidences shall not be valid; he shall make full reports of all his proceedings, and of the state of the Treasury Department within ten days after the commencement of each session of the Legislature, and perform such other duties as shall be prescribed by law.

Art. 3rd. The Treasurer shall receive and keep the monies of the State, and disburse the same upon warrants drawn by the Comptroller and not otherwise; he shall take receipts for all monies

paid by him, and all receipts for monies received by him shall be endorsed upon warrants signed by the Comptroller, without which warrant so signed, no acknowledgment of money received into the Treasury shall be valid. Upon warrants issued by the Comptroller, he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof on account of the sinking fund. Every bond, certificate or other evidence of the debt of the State shall be signed by the Treasurer and countersigned by the Comptroller, and no new certificate or other evidence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provision for the loss of certificates or other evidences of the debt. The Treasurer shall render his accounts quarterly to the Comptroller; and on the third day of each session of the Legislature shall submit to the Senate and House of Delegates, fair and accurate copies of all accounts by him from time to time rendered and settled with the Comptroller. He shall at all times submit to the Comptroller the inspection of the monies in his hands, and perform all other duties that shall be prescribed by law.

Which was read, and

On motion of Mr. McLane,

Ordered to be printed.

Mr. McLane, chairman of the committee on the Treasury Department, to which was referred the order requiring said committee to inquire into the expediency of incorporating in the constitution a clause prohibiting the Legislature from creating debts, appropriating the public funds for works of Internal Improvements or other objects not connected with a strictly economical administration of the State government, &c., asked that said committee be discharged from the further consideration thereof, and that the same be referred to the committee on the Legislative Department.

On the question being put on discharging the committee and referring the same to the committee on the Legislative Department, it was

Determined in the affirmative.

On motion of Mr. Brown,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey, on the 11th inst., as chairman of the committee on the Declaration of Rights;

The question pending before the Convention being on the amendment offered by Mr. Chambers, of Kent, on the 29th inst., to the amendment offered by Mr. Pressman, on the 28th inst.;

After debate thereon,

Mr. Chambers, of Kent, moved that when the Convention adjourn, it stands adjourned until Monday morning 12 o'clock ;

Determined in the affirmative.

On motion of Mr. Jenifer,

The Convention then adjourned until Monday morning 13 o'clock.

MONDAY, February 3rd, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The Proceedings of Friday were read.

Mr. Mitchell, submitted the following order :

Ordered, That all the desks be removed from the Hall, and that a large table be substituted where members can write, and that the committee appointed for the purpose of examining the condition of the furnace, be instructed to have the flues closed, and that the old fire place be substituted ;

Which was read, and

On motion of Mr. McMaster,

Laid on the table.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey, on the 11th ult., as chairman of the committee on the Declaration of Rights ;

The question pending before the Convention being on the amendment offered by Mr. Chambers of Kent, on the 29th ult., to the amendment offered by Mr. Presstman on the 28th ult.

After debate thereon,

On motion of Mr. Crisfield,

The Convention adjourned until to-morrow morning 10 o'clock.

TUESDAY, February 4th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

A quorum not being present,

Mr. Ridgely, moved that the Convention adjourn, and that the question be taken by yeas and nays, which being ordered appeared as follows :

AFFIRMATIVE.—

NEGATIVE—Messrs. Chapman, President, Blakistone, Lee, Chambers, of Kent, Dorsey, Wells, Kent, Weems, Bell, Welch, Ridgely, John Dennis, Dashiell, Williams, Goldsborough, Eccleston, Phelps, Miller, McLane, Sprigg, McCubbin, Spencer, Grason, Wright Dirickson, McMaster, Sappington, Magraw, Nelson, Thawley, Hardcastle, Stewart, of Balt. city, Brent, of Balt. city, Ware, Kilgour, Brewer, Hollyday, Slicer and Fitzpatrick—39.

So the Convention refused to adjourn.

Mr. Kilgour, moved to enforced the call of the House under the 15th rule.

Determined in the negative.

It being ascertained that a quorum was present,

The proceedings of yesterday were read.

The President laid before the Convention the following communication from Jos. C. G. Kennedy, Esq., Superintendant of Census.

CENSUS OFFICE,

Washington, Feb. 3rd, 1851.

To the President of Maryland State Convention :

Sir,—I find by an examination of the official returns (to which my attention was called by a newspaper statement,) that an error exists in the returns made for Frederick county, of which the total population will not vary much from 40,941. I will send a more particular statement to-morrow. We have been much delayed in reconciling the inconsistencies existing between the returns made by the marshals of the population in the several sub-divisions, and the number exhibited by the returns themselves.

I regret that the return has been made for Frederick, so much at variance with the facts, and hope no great inconvenience has resulted therefrom.

I have the honor to be, sir,

Very respectfully, your ob't serv't,

JOS. C. G. KENNEDY.

Which was read, and

Referred to the committee on Representation.

The President also laid before the Convention a communica-

tion from E. Root, Esq., State Superintendant of Public Instruction of the State of Wisconsin, covering the reports of the State, of the Board of Regents of the State University;

Which was read, and

Referred to the committee on Education.

On motion of Mr. Weems, it was

Ordered, That the hour of meeting hereafter be 11 o'clock, A. M.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey on the 11th ult., as chairman of the committee on the Declaration of Rights.

The question pending before the Convention, being on the amendment offered by Mr. Chambers, of Kent, on the 29th ult., to the amendment offered by Mr. Presstman, on the 23th ult.;

After debate thereon,

Mr. Chambers, of Kent, withdrew the amendment offered by him.

The question then recurred upon the amendment as offered by Mr. Presstman.

Mr. McLane, moved to amend said amendment by adding at the end thereof the following :

"Provision ought therefore to be made in the constitution now to be formed, whereby the exercise of such right at reasonable periods, and in Conventional Assemblies, would be secured and regulated;"

Which amendment was accepted by Mr. Presstman.

Mr. Brent, of Baltimore city, moved the previous question, that is :

"Shall the main question be now put?" and it was

Determined in the negative.

The question then recurred upon the amendment as amended.

Mr. Dorsey, moved to amend said amendment by inserting after the words "they have," in the first line the following: "according to the mode prescribed in this constitution, and the laws made in pursuance thereof;"

Mr. Brent, of Balt. city, moved the previous question, that is :

"Shall the main question be now put?" and it was

Determined in the affirmative.

The question was then taken on the amendment as offered by Mr. Dorsey.

Mr. Stewart, of Baltimore city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson,

Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, John Dennis, Crisfield, Dashiell, Williams, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs and Kilgour—35.

NEGATIVE—Messrs. Jenifer, Buchanan, Bell, Welch, Ridgely, Colston, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Shriver, Sappington, McHenry, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Ware, Fiery, John Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Shower and Brown—34.

So the amendment was adopted.

Mr. Spencer, when his name was called, gave notice that he should vote in the affirmative on the amendment, as also upon the amendment as amended, for the purpose of enabling him hereafter to move a reconsideration of the vote thereon.

The question then recurred and was put upon the amendment as amended; and

Determined in the affirmative.

On motion of Mr. Dorsey,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Colston, John Dennis, Crisfield, Dashiell, Williams, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Fiery, John Newcomer, Kilgour and Cockey—40.

NEGATIVE—Messrs. Chapman, President, Jenifer, Buchanan, Bell, Welch, Ridgely, Chambers, of Cecil, Miller, McLane, Grason, George, Shriver, Sappington, McHenry, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Presstman, Ware, Brewer, Weber, Hollyday, Slicer, Fitzpatrick and Shower—28.

So the amendment to the amendment was adopted.

The question then recurred and was put on the 1st article, as amended, and

Determined in the affirmative.

The 2nd article was then read and adopted.

The 3rd article was then read and adopted.

The 4th article was then read and adopted.

The 5th article was read,

Mr. Bowie, moved to amend said article by inserting after the word "having," in the fourth line, the following :

“A common interest with and an attachment to the community, and;”

Determined in the negative.

The question then recurred and was put on the adoption of the article; and

Determined in the affirmative.

The 6th article was then read;

On motion of Mr. Brent, of Baltimore city,

Said article was amended by adding at the end thereof the following :

“And no person or persons exercising the functions of one of said departments, shall assume or discharge the duties of any other.”

The said 6th article was then adopted as amended.

The 7th, 8th, 9th, 10th, 11th and 12th articles, were severally read and severally adopted.

The 13th article was then read;

Mr. Kilgour, moved to amend said article, by inserting the following to precede the article :

“That the levying taxes by the poll is grievous and oppressive;”

Mr. Magraw, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Weems, Dalrymple, Sollers, Jenifer, Buchanan, Welch, Colston, Eccleston, Phelps, Miller, Bowie, Spencer, Grason, George, Wright, Dirickson, McMaster, Shriver, McHenry, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Prestmar, Ware, Fiery, Kilgour, Brewer, Weber, Hollyday, Slicer, Fitzpatrick and Shower—38.

NEGATIVE—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Brent, of Charles, Merrick, Bell, Ridgely, John Dennis, Crisfield, Dashiell, Williams, Goldsborough, Chambers, of Cecil, McLane, Sprigg, McCubbin, Fooks, Jacobs, Sappington, John Newcomer and Cockey—31.

So the amendment was adopted.

The question then recurred upon the amendment as amended; Pending the question thereon,

Mr. Phelps, moved that the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, February 5th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Dorsey, presented a memorial of sundry citizens of Howard District of Anne Arundel county, praying that said Howard District may be constituted a separate county, and

Mr. Donaldson also presented a petition of sundry citizens of said District, of similar import;

Which were severally read and referred to the select committee appointed on New Counties.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey, on the 11th ult., as chairman of the committee on the Declaration of Rights.

The question pending before the Convention on yesterday, being on the adoption of the 13th article as amended;

Mr. Donaldson, moved that the question upon this article be passed over informally;

Determined in the affirmative.

The 14th, 15th, 16th, 17th and 18th articles were severally read and adopted.

The 19th article was read and adopted.

On motion of Mr. Phelps,

The Convention reconsidered their vote just taken on said 19th article;

Mr. Dirickson, then moved to amend said 19th article by adding at the end thereof the following:

“And upon his trial his counsel shall have the privilege of making the closing address to the court or jury;”

Mr. Dorsey, moved to amend said amendment by adding at the end thereof the following:

“And that the State have the same right of challenging jurors that the accused has;”

Mr. Stewart, of Balt., city moved that the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Sollers, Brent, of Charles, Merrick, Jenifer, Chandler, John Dennis, Williams, Goldsborough, Bowie, Sprigg, McCubbin, Gaither, Pressman, Davis and Hollyday—25.

NEGATIVE—Messrs. Chapman, Pres't, Lee, Dalrymple, Bond, Buchanan, Bell, Welch, Ridgely, Colston, Dashiell, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Sappington, Magraw

Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Balt. city, Ware, Fiery, John Newcomer, Michael Newcomer, Kilgour, Weber, Slicer, Fitzpatrick, Ege, Shower, and Cockey —42.

So the amendment to the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. Dirickson.

Mr. Magraw, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Buchanan, Bell, Welch, Chandler, Ridgely, Dashiell, Chambers, of Cecil, Miller, Spencer, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart of Balt., city, Brent, of Balt. city, John Newcomer, Michael Newcomer, Kilgour, Ege, Shower and Cockey—33.

NEGATIVE—Messrs. Chapman, President, Blakistone, Dent, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, Brent of Charles, Merrick, Jenifer, Colston, John Dennis, Williams, Goldsborough, Eccleston, Phelps, McLane, Bowie, Sprigg, McCubbin, Thomas, Gaither, Hardcastle, Presstman, Ware, Fiery, Davis, Weber, Hollyday, Slicer and Fitzpatrick—38.

So the amendment was rejected.

Mr. Brent, of Baltimore city, moved to amend said 19th article, by adding at the end thereof the following :

“And in all criminal trials the jury shall decide the law, as well as the facts in evidence, and the truth shall always be admissible in evidence ;”

Which was read.

Mr. Spencer, moved to amend said amendment by adding the following :

“And to have all questions of law arising in the course of his trial explained by the court before his defence shall be stated by his counsel ;”

Mr. Brent, of Baltimore city, accepted this amendment.

Mr. Presstman, then moved further to amend said amendment as amended, by inserting between the amendment offered by Mr. Brent, of Baltimore city, and the amendment offered by Mr. Spencer, and accepted by Mr. Brent, of Baltimore city, the following :

“And that the court may determine what is evidence proper to go before the jury ;”

Mr. Brent, of Baltimore city, also accepted this amendment.

The question then recurred upon the amendment as amended.

Mr. Spencer, moved that the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Welch, Colston, Miller, McLane, Spencer, George, Fooks, Thomas, Shriver, Gaither, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Brent, of Balt. city, Presstman, Ware, Fiery, Michael Newcomer, Weber, Hollyday, Slicer, Fitzpatrick, Ege, Shower and Cockey—29.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, Buchanan, Bell, Chandler, Ridgely, John Dennis, Dashiell, Williams, Goldsborough, Phelps, Bowie, Sprigg, McCubbin, McMaster, Hearn, Jacobs, Stewart, of Baltimore city, John Newcomer, Davis and Kilgour—38.

So the amendment as amended was rejected.

Mr. Spencer, then moved to amend said 19th article, by adding at the end thereof the following :

“And to have all questions of law arising in the course of his trial explained by the court, before his defence shall be stated by his counsel;”

Mr. Ridgely, moved the previous question, that is :

“Shall the main question be now put ?” and it was

Determined in the affirmative.

The question was then put on the adoption of the amendment.

Mr. Spencer, moved for the yeas and nays, which being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Colston, Miller, McLane, Spencer, George, Shriver, Sappington, Nelson, Carter, Thawley, Gwinn, Brent, of Baltimore city, John Newcomer, Weber, Hollyday, Slicer, Ege, Shower and Cockey—19.

NEGATIVE.—Messrs. Chapman, Pres’t, Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, McCubbin, McMaster, Jacobs, Thomas, Gaither, Stewart, of Balt. city, Presstman and Michael Newcomer—36.

So the amendment was rejected.

The said 19th article was then adopted.

The 20th article was then read and adopted.

The 21st article was then read.

Mr. Brent, of Balt. city, moved to amend said 21st article, by adding at the end thereof the following :

“Nothing in this article of the Bill of Rights to apply to the free colored population of this State;”

Mr. Merrick, offered as a substitute for said amendment the following :

“Provided that nothing in this article shall be so construed as to prevent the Legislature from passing all such laws for the government, regulation and disposition of the free colored population in this State as they may see fit;”

Mr. Brent, of Baltimore city accepted the substitute.

The question then recurred and was put on the adoption of the amendment, and

Determined in the affirmative.

Mr. Mitchell moved for the yeas and nays.

Mr. Blakistone, moved that the Convention adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

THURSDAY, February 6th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

On motion of Mr. Ridgely,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey, on the 11th ult., as chairman of the committee on the Declaration of Rights;

The question pending before the convention, being on the adoption of the 21st article as amended.

The said article was then read as amended and adopted.

The 22nd and 23rd articles were severally read and adopted.

The 24th article was then read;

Mr. Jenifer, moved to amend said article by striking out from the word “crime,” in the 2nd line to the end thereof;

Mr. Dent, moved as a substitute for said motion to strike out all of the 24th article to the word “treason,” in the 2nd line, and inserting the following in lieu thereof:

“That no conviction shall work corruption of blood, or forfeiture of estate, except for;”

Mr. Merrick, moved to amend said article by striking out in the 2nd line the words “murder or;”

Determined in the affirmative.

The question then recurred upon the motion of Mr. Jenifer to amend said article by striking out all after the word "crime," in the 2nd line to the end thereof ;

Determined in the affirmative.

Mr. Dent then moved to strike out the whole of the 24th article, and substitute in lieu thereof the following :

"That no conviction shall work corruption of blood, or forfeiture of estate;"

Determined in the affirmative.

The said article was then read and adopted.

The 26th and 27th articles were then read and adopted.

The 28th article was then read ;

On motion of Mr. Dent,
Said article was amended by inserting after the word "manner," in the 3rd line, the word "only;"

The said article was then adopted as amended.

The 29th article was then read and adopted.

The 30th article was then read ;

On motion of Mr. Brent, of Baltimore city,

Said article was amended by striking out in the 11th line thereof the word "ought," and inserting in lieu thereof "shall."

On motion of Mr. Ridgely,

Said article was further amended by inserting after the word "military," in the 11th line thereof, the following:

"Political trust or employment of any kind whatsoever;"

Mr. Brent of Balt. city, moved further to amend said article by adding at the end thereof the following :

"Nor shall any person hold a commission as judge or chancellor, at any time after such person has qualified or acted as a member of any Convention to revise or alter the constitution of this State, but thereupon such commission as judge or chancellor shall be vacated ;"

Which was read.

Mr. Hicks, moved to amend said amendment by adding the following :

"Nor shall any member of this Convention accept any office or appointment under the new constitution for ten years after its adoption ;"

Mr. Hicks, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Lee, Chambers of Kent, Dorsey, Wells, Kent, Bond, Sollers, Jenifer, Buchanan, Ridgely, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, Dirickson,

McMaster, Hearn, Jacobs, Gaither, Fiery, John Newcomer, Michael Newcomer, Davis, Shower and Cockey—32.

NEGATIVE—Messrs. Dent, Mitchell, Donaldson, Weems, Dalrymple, Brent, of Charles, Merrick, Bell, Welch, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Spencer, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Presstman, Ware, Kilgour, Anderson, Weber, Hollyday, Slicer and Ege—39.

So the amendment to the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. Brent of Balt. city ;

Mr. Thomas, moved to amend said amendment by inserting after the word "chancellor," the following :

"Attorney General or of any other civil officer under the constitution of the State ;"

Which amendment was accepted by Mr. Brent of Baltimore city ;

Mr. Jenifer, moved further to amend said amendment by adding at the end thereof the following :

"Or practising lawyers ;"

Determined in the negative.

On motion of Mr. Brent, of Baltimore city,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Dent, Lee, Chambers, of Kent, Mitchell, Wells, Kent, Bond, Brent of Charles, Merrick, Jenifer, Buchanan, Bell, Ridgely, John Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Jacobs, Gaither, Stephenson, Hardcastle, Fiery, Michael Newcomer, Davis, Weber and Slicer—29.

NEGATIVE—Messrs. Chapman, President, Morgan, Donaldson, Dorsey, Sellman, Weems, Dalrymple, Sollers, Welch, Sherwood, of Talbot, Colston, Dashiell, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Sprigg, Spencer, George, Dirickson, McMaster, Hearn, Thomas, Shriver, Biser, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Presstman, Ware, John Newcomer, Kilgour, Anderson, Hollyday, Ege, Shower and Cockey—44.

So the amendment to the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. Brent of Baltimore city, and amended on the motion of Mr. Thomas ;

Mr. Brent, of Baltimore city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Welch, Ridgely, Sherwood of Talbot, Colston, Chambers of Cecil, McCullough, Miller, McLane, Bowie, Spencer, George, Thomas, Shriver, Biser, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Pressman, Ware, Fiery, John Newcomer, Michael Newcomer, Anderson, Hollyday, Slicer, Ege, Shower and Cockey—36.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, Brent of Charles, Merrick, Jenifer, Buchanan, Bell, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, Dirickson McMaster, Hearn, Jacobs, Gaither, McHenry, Davis, Kilgour and Weber—37.

So the amendment as amended was rejected.

The question then recurred and was put on the adoption of the article; and

Determined in the affirmative.

Mr. Hardcastle, moved that the Convention adjourn ;

Determined in the negative.

The 31st article was then read and adopted.

The 32nd article was then read ;

Mr. Parke, moved to amend said article by inserting after the word "that," in the 2nd line, the following :

"Except as allowed elsewhere in this constitution ;"

Determined in the negative.

The said 32nd article was then adopted.

The 33rd article was then read ;

Mr. Ridgely, moved to amend said article by inserting after the word "estate," in the 4th line, the following :

"Or suffer any civil or political incapacity."

Pending the question on this amendment ;

On motion of Mr. Spencer,

The Convention adjourned until to-morrow morning 11 o'clock.

FRIDAY, February 7th, 1851.

The Convention met,
Prayer by the Rev. Mr. Griffith.
The proceedings of yesterday were read.

Mr. Jenifer, chairman of committee No. 14, submitted the following

REPORT:

Article 1. There shall be a Board of Public Works consisting of three commissioners who shall be elected as herein provided, and receive a salary to be fixed by law, but not liable to be increased or diminished during their continuance in office.

Art. 2: At the first general election of Delegates to the General Assembly after the adoption of this Constitution, these commissioners as aforesaid, one from the Eastern Shore and two from the Western Shore, shall be elected by the qualified voters of the State, (the returns of which election shall be made and certified to the Governor,) one of whom shall hold his office for years, from the first Monday in the month of November ensuing his election, one for years, and one for years, from the same period; and at their first meeting, or as soon thereafter as practicable, they shall determine by lot which of their number shall hold his office for years respectively, and thereafter there shall be elected as aforesaid, at each general election of delegates, one commissioner for the term of years, to be taken in the proportion aforesaid from the Eastern and Western Shores, and in case of a vacancy in the office of either of the said commissioners by death, resignation, or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill the same until the next general election.

Art. 3. The said commissioners shall exercise a diligent and faithful supervision on all public works in which the State may be interested as stockholder or creditor; shall represent the State in all meetings of Stockholders, and perform such other duties as may be prescribed by law.

Which was read, and

On motion of Mr. Jenifer,

Ordered to be printed and made the order of the day for tomorrow, the 8th inst.

Mr. Biser, submitted the following order:

Which was twice read and adopted.

Ordered, That a committee of three be appointed to make such suitable arrangements of the seats in the south-west section of the house, as would better promote the convenience and comfort of the members occupying them.

In pursuance whereof, the President appointed Messrs. Biser, Tuck and McLane, to compose the committee.

On motion of Mr. Cockey, it was
Ordered, That it be entered upon Journal that Mr. Brown
is detained from his seat in this Convention by indisposition.

On motion of Mr. Randall, it was
Ordered, That the committee of Printing prepare for the use
of this Convention, a synopsis of the relative increase or diminu-
tion of the Slaves and Free Colored Population of this State, as
far as convenient from the various Censuses.

Mr. Brent, of Balt. city, presented the account of Messrs. Hay-
ward, Bartlet & Co., for the repairs and alterations made in the
furnace under the Chamber of the Convention.

Which was read and referred to the committee on Accounts.

The President laid before the Convention the following com-
munication from Jos. C. G. Kennedy, Esq., Superintendant of
Census :

CENSUS OFFICE, Dep't of Interior,
February 6, 1851.

Sir:—Enclosed I send you a corrected statement of the popula-
tion of Frederick county, Md. The statement previously sent was
taken from the certificates of Assistant Marshals, which were in
many instances incorrect.

I have the honor to be, sir, very respectfully, your obedient
servant,

JOS. C. G. KENNEDY,
Sup't of Census.

Hon. J. G. CHAPMAN, Pres. Con., Annapolis.

Which was read and referred to the committee on Repre-
sentation.

The president also laid before the Convention a report from the
clerk of Worcester county court, relative to fees paid the Deputy
Attorney General of said county, in obedience to the order of the
Convention.

Which was read and referred to the committee appointed on the
Attorney General and his Deputies.

On motion of Mr. Biser,

The Convention resumed the consideration of the order of the
day, being the report submitted by Mr. Dorsey, on the 11th ult.,
as chairman of the committee on the Declaration of Rights;

The question pending before the Convention being on the amend-
ment offered by Mr. Ridgely, on yesterday, to the 33rd article, to
insert after the word "estate," in the 4th line, the following: "Or
suffer any civil or political incapacity ;"

Mr. Brent, of Balt. city, offered as a substitute for said amend-
ment, to add at the end of the 33rd article, the following proviso :

"Provided, that nothing herein shall be construed so as to qualify

as witnesses, jurors or judges, or other officers under the constitution and laws of this State, any Atheist or other person who does not believe in any accountability to the Supreme Being for his acts."

Mr. Ridgely, accepted this amendment as a substitute for the amendment offered by him.

The question then recurred upon the adoption of the amendment ;

Mr. Ridgely, moved that the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Morgan, Hopewell, Bell, Welch, Ridgely, Eccleston, Chambers, of Cecil, Miller, Bowie, McCubbin, Thomas, Shriver, Gaither, Biser, Sappington, Gwinn, Brent, of Balt. city, Fiery, John Newcomer, Michael Newcomer, Weber, Parke, Ege, Shower and Cockey—25.

NEGATIVE —Messrs. Chapman, President, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Merrick, Buchanan, Chandler, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Williams, Phelps, McLane, Sprigg, George, McMaster, Fooks, Jacobs, Stephenson, McHenry, Nelson, Carter, Stewart, of Caroline, Harbigne, Davis, Anderson, Hollyday and Slicer—38.

So the amendment was rejected.

Mr. Biser, then moved to amend said 33rd article, by striking out from the word "liberty" in the 3rd line, to the end of said article, and inserting in lieu thereof, the following :

"Therefore no religious test shall be required as a qualification for any office of public trust, that the free exercise and enjoyment of religious profession and worship without discrimination or preference shall ever be allowed in this State, and that no person shall be rendered incompetent to be a witness on account of his opinion on matters of religious belief, but the liberty of conscience hereby secured, shall not be construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State."

Mr. Dorsey, moved as a substitute for said amendment to add at the end of said article, the following :

"Nor shall any person be deemed incompetent as a witness or juror or disqualified to hold any office under the laws or constitution of this State, except as hereinafter provided by the constitution of this State, who believes in the existence of a God, and that under his dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or in the world to come ;"

Which amendment Mr. Biser accepted.

The question then recurred upon the adoption of the amendment.

Mr. Randall, offered as a substitute for said amendment, the following:

“Provided, That an oath may be legally administered to any person who believes in a state of future reward and punishments by a Supreme Being in this life or in the life to come.”

On the question being put,

“Will the Convention accept the substitute?”

Mr. Ware, moved that the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Randall, Sellman, Bond, Brent, of Charles, Merrick, Buchanan, Welch, Crisfield, Eccleston, Miller, Tuck, George, Dirickson, Sappington, Magraw, Gwinn, Fiery, Hollyday, Ege and Shower—21.

NEGATIVE—Messrs. Chapman, President, Morgan, Hopewell, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Weems, Dalrymple, Bell, Chandler, Ridgely, Sherwood, of Talbot, Coltson, John Dennis, Dashiell, Williams, Hicks, Phelps, Chambers, of Cecil, McLane, Bowie, Sprigg, McCubbin, McMaster, Fooks, Shriver, Gaither, Biser, Stephenson, McHenry, Nelson, Carter, Stewart, of Caroline, Hardcastle, Brent, of Balt. city, Ware, John Newcomer, Harbine, Michael Newcomer, Davis, Slicer, Parke and Cockey—45.

So the Convention refused to accept said substitute.

The question then recurred upon the amendment as offered by Mr. Dorsey.

Mr. Chambers, of Kent, moved that the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Morgan, Hopewell, Mitchell, Dorsey, Wells, Randall, Kent, Sellman, Bond, Sollers, Brent, of Charles, Buchanan, Bell, Welch, Ridgely, Colsten, Eccleston, Chambers, of Cecil, Miller, McLane, George, Dirickson, Thomas, Shriver, Gaither, Biser, Sappington, Magraw, Nelson, Gwinn, Brent, of Baltimore city, Ware, Fiery, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Shower and Cockey—42.

NEGATIVE.—Messrs. Chapman, President, Lee, Chambers, of Kent, Donaldson, Weems, Dalrymple, Merrick, Chandler, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Williams, Hicks, Phelps, Bowie, Tuck, Sprigg, McCubbin, McMaster, Fooks, Stephenson, McHenry, Carter, Stewart, of Caroline, Harbine and Davis—27.

So the amendment was adopted.

The question then recurred upon the adoption of the 33rd article as amended ;

Mr. John Newcomer, moved to amend said article by striking out in the 1st line the word “duty,” and inserting in lieu thereof the word “privilege ;”

Determined in the negative.

The said article was then adopted as amended.

The 34th article was then read,

Mr. Phelps, moved to amend said article by striking out in the 12th line the word "five," and inserting in lieu thereof "thirty ;"

Mr. Chandler, moved to strike out the whole of the 34th article.

The question was first taken on the motion of Mr. Phelps, to strike out "five," and insert "thirty ;"

Mr. Stephenson, moved for a division of the question upon striking out, and on the question being put, it was

Determined in the negative.

On motion of Mr. Lee,

Said article was amended by inserting after the word "worship," in the 12th line, "or parsonage ;"

Mr. Parke, moved further to amend said article by inserting after the word "acres," in the 12th line these words, "or the value of ten thousand dollars ;"

Determined in the negative.

The question then recurred upon the motion of Mr. Chandler, to strike out the whole of 34th article.

Mr. Chandler, withdrew said motion.

Mr. John Newcomer, renewed the motion to strike out the 34th article ;

And on the question being put, Mr. Stephenson moved for the yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Randall, Kent, John Dennis, Hicks, Eccleston, Phelps, Miller, McHenry, Ware, John Newcomer, Harbine and Shower.—12.

NEGATIVE—Messrs. Morgan, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Sellman, Weems, Dalrymple, Brent, of Charles, Merrick, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, Colston, Crisfield, Dashiell, Williams, McLane, Bowie, Tuck, Sprigg, McCubbin, George, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, Magraw, Nelson, Carter, Stewart, of Caroline, Hardcastle, Gwinn, Presstman, Fiery, Michael Newcomer, Davis, Weber, Hollyday, Slicer, Parke, Ege and Cockey.—55.

So the Convention refused to strike out the article.

The said 34th article, was then adopted.

The 35th article, was then read and adopted.

The 36th article, was then read.

Mr. Parke, moved to amend said article, by striking out all after the word "being" in the 4th line, to the end of said article and inserting in lieu thereof the following :

"And all persons who are conscientiously scrupulous about tak-

ing an oath on any occasion, shall be allowed to make their solemn affirmation, in the manner heretofore practised, which shall be in all cases of the same avail as an oath."

Determined in the negative.

Mr. Chambers, of Kent, then moved to amend said article by striking out after the word "oath," in the 10th line to the end thereof.

Determined in the affirmative.

Mr. Randall, moved further to amend said article by adding at the end thereof the following:

"And that an oath may be legally administered to any person who believes in a state of future rewards and punishments by a Supreme Being in this life or in the life to come."

Determined in the negative.

The said 36th article was then adopted as amended;

The 37th article was then read.

Mr. Biser, moved to strike out the 37th article.

Mr. Davis, moved that the Convention adjourn.

Determined in the negative.

The question then recurred and was put on the motion of Mr. Biser, to strike out the 37th article, and

Determined in the negative.

The 37th article was then adopted.

Mr. Phelps, moved that the Convention adjourn:

Determined in the negative.

The 38th, 39th and 40th articles, were severally read and adopted.

The 41st article, was then read.

Mr. Thomas, gave notice that he should make no objection to the adoption of this article, but should vote for it, with a view of enabling him at the proper time to move a reconsideration of the vote of the Convention thereon.

The 41st article, was then adopted.

Mr. Davis, moved to amend said report by inserting as an additional article the following:

Art. 42nd. The Legislature shall encourage by all suitable means, associations for the diffusion of knowledge and virtue, for the promotion of literature, the arts and sciences, agriculture, commerce and manufactures and for the general melioration of the wants and conditions of the people.

Which was read.

Mr. Pressman, moved to amend said amendment by striking out the word "suitable," and inserting in lieu thereof "Constitutional."

Mr. Bond, moved that the Convention adjourn.

Determined in the negative.

The question then recurred upon the amendment offered by Mr. Presstman, to the amendment offered by Mr. Davis.

Mr. Presstman withdrew his amendment.

On motion of Mr. Weems,

The Convention adjourned until to-morrow morning 11 o'clock.

SATURDAY, February 8th, 1851.

The Convention met, and having been called to order by Mr. Tuck, appointed President pro tem., by the President, and after Prayer by the Rev. Mr. Griffith,

The Proceedings of yesterday were read.

Mr. Dorsey, chairman of the select committee respecting the formation of New Counties, submitted the following report:

The select committee appointed to consider and report respecting the formation of New Counties in this State, beg leave to make the following report, and recommend its adoption as an article of the constitution about to be formed:

THOS. B. DORSEY, Chairman.

Article. That part of Anne Arundel county called Howard District, is hereby erected into a new county to be called Howard county; the inhabitants whereof shall have, hold and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State: and its civil and municipal officers at the time of the ratification of this constitution shall continue in office until their successors shall have been elected or appointed, and shall have qualified as such; and all rights powers and obligations incident to Howard District of Anne Arundel county, shall attach to Howard county.

Which was read, and

On motion of Mr. Dorsey,

Made the order of the Day for Wednesday next, 12th inst.

Mr. Phelps gave notice that when the report of the committee upon the Legislative Department came up for consideration, he should offer the following amendments to said report, which he desired might be entered upon the Journal:

Strike out sections 2nd, 17th and 18th, and insert the following sections as numbered, in their stead ; also, insert sections 37th, 38th, 39th and 40th, to come in between the 36th and 37th sections of the report.

Section 2nd. The Senators shall be elected by the qualified voters of this State, for the term of four years, and the delegates in like manner, for the term of two years from the day of the general election ; and the regular sessions of the General Assembly shall be biennial.

Sec. 17th. Bills for raising revenue or levying taxes, shall originate in the House of Delegates, but the Senate may alter, amend or reject them as other bills. All other bills may originate in either House, and be amended, altered or rejected by the other, but no bill shall become a law without being read upon three several days in each House, only in cases of great urgency, two-thirds of the House in which the bill shall be pending, may dispense with the rule herein provided for the reading of the bill upon three several days.

Sec. 18th. No bill shall become a law unless it receive the concurrent vote of a majority of the members present in both Houses.

Sec. 37th. Any citizen of this State who shall after the adoption of this constitution fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either in or out of the State, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall be deprived of holding any office of trust or profit under this State.

Sec. 38th. No new lottery grant shall be authorised by the Legislature of this State.

Sec. 39th. It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitration when the parties may elect that method of trial.

Sec. 40th. All property, both real and personal of the wife owned or claimed by her before marriage, and that acquired by gift, devise or descent, shall be her separate property, and laws shall be passed by the Legislature, more clearly defining the rights of the wife in relation to her separate property.

Which were read,

Mr. Buchanan, presented a petition of James P. Kennedy, of the city of Baltimore, in relation to the building of churches and church government.

Which was read.

Mr. Buchanan, moved that said petition be referred to committee No. 14 ;

Mr. Jenifer, moved to lay said petition on the table ;
Determined in the negative.

The question then recurred and was put on the motion of Mr. Buchanan, to refer said petition to committee No. 14, and
Determined in the affirmative.

The President announced that the hour had arrived for taking up the order of the day ;

Mr. Crisfield, moved to postpone the order of the day.

Mr. Sollers, moved that the Convention adjourn until Monday morning, 12 o'clock, which motion he waived to enable Mr. George to offer the following articles to the Bill of Rights:

Article 43rd. The amount of debts hereafter contracted by the Legislature, shall never exceed one hundred thousand dollars, except for the defence of the State ; unless such debt shall be authorized by a law for the collection of an annual tax or taxes, sufficient to pay the interest on such debt as it falls due, and also to discharge the principal of such debt, within fifteen years from the time of contracting the same, and the taxes laid for the purpose shall never be repealed or applied to any other object, till the said debt and the interest thereon shall be fully discharged.

Art. 44th. The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill appropriating the public money, or pledging the public faith, for local or private purposes ; and the Legislature shall not have the power to make appropriations, loans or subscriptions to any work of Internal Improvement.

The question was then put on the motion of Mr. Sollers, to adjourn until Monday morning 12 o'clock.

Determined in the affirmative.

Mr. John Newcomer, moved for the yeas and nays, which motion was not sustained.

The Convention thereupon adjourned until Monday morning 12 o'clock.

MONDAY, February 10th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of Saturday were read.

On motion of Mr. Buchanan, it was

Ordered, That it be entered on the Journal that H. J. Chandler, Esq., is detained from his seat in the Convention because of sickness in his family.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey, on the 11th ult., as chairman of the committee on the Declaration of Rights;

The question pending before the Convention being on the motion of Mr. Davis, to amend said report by inserting as an additional article, the amendment offered by him on Friday last being in these words :

Article 42. "The Legislature shall encourage by all suitable means, associations for the diffusion of knowledge and virtue, for the promotion of literature, the arts and sciences, agriculture, commerce and manufactures, and for the general melioration of the wants and conditions of the people;"

Mr. Davis withdrew this amendment, and substituted in lieu of it the following :

Article 42. "The Legislature ought to encourage the diffusion of knowledge and virtue, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the wants and condition of the people;"

Which amendment was read and adopted.

Mr. George withdrew the amendments offered by him on Saturday last, and gave notice that when the report from the committee on the Legislative Department came up for consideration, he should offer said amendments to the report of that committee.

Mr. Parke then moved to amend said report of the committee on the Declaration of Rights, by inserting as the 43rd article, the following :

Article 43. "This enumeration of rights shall not be construed to impair or deny others retained by the people;"

Determined in the affirmative.

Mr. Kilgour, moved for the yeas and nays, which motion was not sustained.

The Convention then resumed the consideration of the 13th article, which had heretofore been passed over informally;

Mr. Randall moved to amend said article by inserting after the word "property," in the 5th line, the words "within this State;"

(Mr. Spencer being in the chair,)

Mr. Tuck offered as a substitute for the 13th article, the following :

Article 13th. "That taxes for the support of government, and fines, duties and taxes, with a political view for the good government and benefit of the community, may be imposed or laid on property within this State, and the Legislature ought to declare the objects for laying or imposing the same."

Mr. Phelps, moved that the Convention adjourn ;
Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Randall, to amend the 13th article, by inserting after the word "property," the words "within this State;"

Mr. Dashiell, moved that the Convention adjourn ;
Determined in the negative.

The question again recurred upon the amendment as offered by Mr. Randall,

After debate thereon,

At half-past 3 o'clock P. M.;

Mr. Hicks, moved that the Convention adjourn ;

Determined in the negative.

The question again recurred and was put upon the amendment as offered by Mr. Randall, and

Determined in the negative.

The question then recurred and was put, on the adoption of the substitute as offered by Mr. Tuck for the 13th article, and

Determined in the negative.

The question then recurred upon the adoption of the article as reported by the committee;

Mr. Schley, moved to amend said article by striking out in the 4th line thereof the words "actual worth in;"

Determined in the negative.

Mr. Schley, then moved to amend said article by inserting after the word "property," in the 5th line thereof the following :

"And the Legislature shall at its first session after the adoption of this constitution, provide a convenient mode by which the actual worth in real and personal property of every individual in the State shall be ascertained;"

Determined in the negative.

The 13th article was then adopted.

The said report having been read through as amended ;

Mr. Spencer moved that the report be printed as amended.

Pending the question on this motion, and

At a quarter of 4 o'clock P. M.

Mr. Parke, moved that the Convention adjourn.

Mr. Kilgour, moved that the question be taken by yeas and nays, which motion was not sustained.

The question was then put on the motion of Mr. Parke to adjourn, and

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

TUESDAY, February 11th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

On motion of Mr. Miller, it was

Ordered, That it be entered upon the Journal, that Mr. McCullough, is detained from his seat in the Convention by the severe illness of a member of his family.

On motion of Mr. McMaster, it was

Ordered, That it be entered upon the Journal that Samuel I. Lambden, an officer of this Convention is detained at home in consequence of the illness of his wife.

Mr. Gwinn, presented a memorial of H. J. Scarff, Robert White, Peter F. Young, William H. H. Turner and others of the Marion Total Abstinence Society, praying some constitutional protection for the cause of Temperance;

Which was read, and

On motion of Mr. Gwinn,

Referred to the committee on the Legislative Department.

Mr. Morgan, presented an account of G. J. Spalding, clerk to commissioners of Tax for St. Mary's county;

Which was read, and

On motion of Mr. Morgan,

Referred to the committee on Accounts.

On motion of Mr. Phelps, it was

Ordered, That the committee upon Apportionment and Representation be and they are hereby directed to enquire into the propriety and expediency of so changing the present basis of representation in the House of Delegates, as to deduct one member from each county and the city of Baltimore.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Dorsey on the 11th ult., as chairman of the committee on the Declaration of Rights.

The articles in said report having been severally adopted.

Mr. Dashiell, moved to amend the preamble to the report, by inserting after the word "Maryland," in first line, these words, "representing the counties and city of Baltimore;"

Mr. Parke, moved as a substitute for said preamble the following:

"We, the people of Maryland, grateful to Almighty God for our freedom, in order to establish justice, maintain public order, and perpetuate liberty, do ordain this constitution.

Article 1.

Declaration of Rights.

Section 1. "That the essential principles of liberty and free government, may be truly recognized, and unalterably established, we declare;"

After debate thereon,

Mr. McHenry, moved the previous question, that is:

"Shall the main question be now put?" and it was

Determined in the affirmative.

The question was then put on the amendment as offered by Mr. Dashiell;

Mr. Dashiell, moved for the yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Chambers, of Kent, Kent, Bond, John Dennis, Dashiell, Hodson, Bowie, Sprigg, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs and Kilgour.—17.

NEGATIVE—Messrs. Ricaud, Donaldson, Wells, Randall, Brent, of Charles, Merrick, Jenifer, Buchanan, Bell, Welch, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, Miller, Tuck, McCubbin, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Stewart of Balt. city, Brent, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Anderson, Weber, Hollyday, Slicer, Smith, Parke, Shower and Brown—49.

So the amendment was rejected.

The question then recurred upon the amendment offered by Mr. Parke, as a substitute for the preamble;

Mr. Randall, moved to amend the preamble of the report of the committee by striking out all of said preamble, and substituting in lieu thereof the following:

"We, the people of Maryland, grateful to Almighty God for

our civil and religious liberty, in order to secure the perpetuity of these blessings, do declare :”

Mr. Parke accepted this as a substitute.

The question then recurred upon the adoption of the substitute.

Mr. John Newcomer, moved as a substitute for the preamble and substitute, the following :

“We, the people of the State of Maryland, by our delegates in Convention assembled at the city of Annapolis, taking into our most serious consideration the best means of establishing a good constitution in this State, declare ;”

On the question being put,

“Will the Convention accept the substitute ?”

Mr. John Newcomer, moved that the question be taken by yeas and nays, which motion was not sustained.

The question was then taken on the adoption of the substitute, and

Determined in the affirmative.

The said amendment was then adopted.

Mr. Spencer, then moved that said report of the committee as amended, be printed in bill form;

Determined in the affirmative.

Mr. Bowie, chairman of the committee on the Judiciary Department, submitted the following report :

The committee on the Judiciary, beg leave to make the following

REPORT :

Section 1. The Judiciary Power of this State shall be vested in a Court of Appeals, in County Courts, in such courts for the city of Baltimore as may be hereinafter prescribed, and in justices of the peace.

Sec. 2. The Court of Appeals shall consist of a Chief Justice and two Associate Justices, any two of whom shall form a quorum. The Governor by and with the advice of the Senate, shall designate the Chief Justice.

Sec. 3. The Court of Appeals shall be co-extensive with the limits of the State, but in criminal cases, and in appeals from interlocutory judgments and decrees, with such exceptions and under such regulations as may be prescribed by law, and the Court of Appeals and judges thereof shall have power to issue writs of *Mandamus* and writs of *Diminution*, and such other writs as shall be necessary to enforce its own jurisdiction, and may also compel a judge of a county court or other inferior court to proceed to trial and judgment in a cause—and the Court of Appeals shall hold its sessions at the city of Annapolis on the first Monday of June, and the first Monday of December in each and every year.

Sec. 4. The Court of Appeals shall appoint its own clerk, who shall hold his office for six years, and may be re-appointed at the

end thereof; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law.

Sec. 5. The State shall be divided into three Judicial Districts, one on the Eastern and two on the Western Shore, which said districts shall be laid off as the Gubernatorial Districts are, and one person from among those learned in the law, having been admitted to practice the law in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district, shall be elected from each of said districts by a plurality vote of the legal and qualified voters therein, as a judge of the said Court of Appeals, who shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, which ever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after, subject to removal for incompetency, wilful neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law, by presentment of the Grand Jury and conviction of a petit jury of the county in which he may reside, or by the Governor upon the address of the General Assembly, two-thirds of the members of each house concurring in such address. The salaries of the judges of the Court of Appeals shall be two thousand five hundred dollars annually, and shall not be diminished during their continuance in office.

Sec. 6. The Legislature may hereafter, should the public convenience require it, increase the number of judges of the Court of Appeals to five, in which event, a new division of the State into five judicial districts shall be made in such manner as to secure two to the Eastern and three to the Western Shore.

Sec. 7. No judge of the Court of Appeals shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have been of counsel in the cause. When the Court of Appeals, or any two of its members shall be thus disqualified to hear and determine any cause or causes in said court, or when no judgment can be rendered in any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases.

Sec. 8. All judges of the Court of Appeals, of the county courts, and of the courts for the city of Baltimore, shall by virtue of their offices, be conservators of the peace throughout the State. The style of all laws shall run thus "Be it enacted by the General Assembly of Maryland," all public commissions and grants thus: "The State of Maryland, &c.;" and shall be signed by the Governor, with the seal of the State annexed; all writs and process shall run in the same style, and be sealed and signed as usual, and all

indictments shall conclude, "against the peace, government and dignity of the State."

Sec. 9. There shall be a county court in each county of the State, to consist of one judge, who shall be elected by a plurality vote of the qualified and legal voters of said county, from among those learned in the law, having been admitted to practice the law in this State, and who shall have be a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of said county. The said judge shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after, subject to be removed for incompetency, wilful neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law, by presentment of a Grand Jury and conviction of a Petit Jury of said county, or by the Governor, upon the address of the General Assembly, two-thirds of the members of each House concurring such address. His salary shall be two thousand dollars annually, which shall not be diminished during his continuance in office. He shall reside in or near the county town, and shall hold two common law terms in each and every year, at such times and places as may be prescribed by law, and attend at the court house of said county as often as the Legislature may prescribe by law for the transaction and despatch of judieial business.

Sec. 10. The said county courts or the judges thereof respectively shall be courts of law and equity, and have original jurisdiction in all civil and criminal cases arising in their respective limits; and in all respects have the same powers and jurisdiction that the present county courts of this State now have or which shall hereafter be prescribed by law. They shall also have exclusive jurisdiction in all matters relating to last wills and testaments, executors, and administrators and guardians, within their respective limits, and all and every other power which the orphans courts of this State now have, or which may be hereafter prescribed by law. They shall also have and exercise appellate jurisdiction from the judgments of justices of the peace, subject to such rules and regulations as may be prescribed by law.

Sec. 11. There shall be established for the city of Baltimore, one court with common law jurisdiction, to be styled the court of "Common Pleas," which shall have civil jurisdiction in all suits where the debt or damage claimed shall not exceed five hundred dollars.

Sec. 12. There shall also be in said city another common law court, having jurisdiction over all suits where the debt or damages claimed shall exceed the sum of five hundred dollars; and each of said courts shall be vested with all powers now held and exercised by Baltimore county court, as a court of law; and this last court shall be styled "the Superior Court of Baltimore city."

Sec. 13. There shall, also, be established a court having equity

jurisdiction for the city of Baltimore, whose style shall be "the Chancery Court of the city of Baltimore," and which shall have and exercise the equity jurisdiction now exercised by Baltimore county court sitting as a court of equity. Each of the said three courts shall consist of one judge, who shall hold his office for the term of ten years, subject to the provisions of this constitution with regard to the election, and qualification of Judges and their removal from office; and the salary of each of the said Judges shall be twenty-five hundred dollars per year.

Sec. 14. The court of common pleas shall have jurisdiction in all appeals from Magistrates' decisions in the said city, and the said appeals shall be made to the said court; and the Chancery court shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and of the administration of the estates of insolvent debtors, and the supervision and control of the trustees thereof.

Sec. 15. There shall be established an Orphans' court for Baltimore city, which shall consist of one judge, who shall hold his office for the term of ten years, and who shall have all the powers now vested in the Orphans' court of Baltimore county, within the limits of said city, subject to such regulations as the Legislature may establish for the conduct of the ordinary business of the said court by the Register of Wills of the said city; and who shall be subject to the provisions of this Constitution as to the election and qualifications of Judges and their removal therefrom; and the salary of the said Judge shall be two thousand dollars per year.

Sec. 16. There shall also be a criminal court for the city of Baltimore, to be styled "the Criminal Court of Baltimore city," which shall consist of one Judge, and shall have and exercise all the jurisdiction now exercised by Baltimore city court, except so far as the same may be vested in the police court hereafter to be established, and shall have exclusive jurisdiction in cases of petition for freedom, and in all cases of petitions to cancel or enforce contracts of apprenticeship—and the said Judge shall receive an annual salary of two thousand dollars per annum, and shall be subject to the provisions of this Constitution, with regard to the election and qualification of Judges and their removal from office.

Sec. 17. There shall also be established a court, to be styled "the Police Court of Baltimore city," to consist of one Judge, who shall hold his office for the term of ten years, and who shall be subject to the provisions of this Constitution with regard to the election and qualification of Judges and their removal from office; and the said court shall have jurisdiction in all prosecutions for assault and battery—for keeping disorderly houses—for larceny where the property stolen does not exceed in value the sum of twenty dollars—in all prosecutions for receiving stolen goods, knowing them to be stolen—and for selling goods without license; and it shall be the duty of the Legislature to provide for quarterly

sessions of the said court for the purpose of trying those cases in which a trial by jury may be demanded by the accused; and also to provide that the said court shall hold frequent sessions for the trial of cases, subject to its jurisdiction in which the accused may not demand a jury trial; and the Judge of the said court shall receive an annual salary of fifteen hundred dollars.

Sec. 18. There shall be a clerk of each County Court, who shall be elected by a plurality vote of the qualified voters of each county, and who shall hold his office for the term of six years, from the time of his election and until a new election is held, and be re-eligible thereto, subject to removal for wilful neglect of duty, or other misdemeanor in office, by presentment of a Grand Jury and conviction of a Petit Jury, of the county in which he shall reside. There shall also be a clerk of the Court of Common Pleas in Baltimore city, who shall also be the clerk of the Superior Court of Baltimore city, and the Register in Chancery of the Chancery Court of the City of Baltimore, and there shall also be a clerk of the criminal court of Baltimore city, who shall also be the clerk of the police court of Baltimore city, and each of said clerks shall be elected by a plurality vote of the qualified voters of the city of Baltimore, and shall hold his office for six years, from the time of his election, and until a new election is held, and be re-eligible thereto, subject in like manner to be removed for wilful neglect of duty or other misdemeanor in office, by presentment of a grand jury and conviction of a petit jury of said city. In case of a vacancy in the office of a clerk, the judge or judges of the court of which he was clerk, shall have the power to appoint a clerk until an election can be held, which shall take place under the directions of the Sheriff upon giving thirty days public notice thereof.

Sec. 19. The Legislature shall provide by law, some plain intelligible and simple mode of compensation to the clerks of the several courts in this State, in lieu of the existing mode of fees.

Sec. 20. There shall be a Register of Wills in each county of the State, and in the city of Baltimore, to be elected by a plurality vote of the qualified voters of said counties and city respectively, and who shall hold his office for six years from the time of his election and until a new election shall take place, and be re-eligible thereto, subject to be removed for wilful neglect of duty or other misdemeanor in office, in the same manner that the clerks of the county courts are removable. The Legislature shall provide by law suitable annual salaries for such Register of Wills, to be levied on the assessable property of said counties and city respectively, in lieu of all fees and perquisites as now established by law. In the event of any vacancy in the office of Register of Wills, said vacancy shall be filled by the judge or judges of the court until an election can be held, which shall take place under the directions of the Sheriff upon thirty days public notice thereof.

Sec. 21. There shall be five Justices of the Peace in each elec-

tion district of every county in the State, and two in each ward of the city of Baltimore, to be elected by a plurality vote of the qualified voters in each of said districts and wards respectively, who shall hold their offices for two years from the time of their election and until a successor in office is elected. They shall be by virtue of their offices, conservators of the peace in the said counties and city respectively, and shall have such civil and criminal jurisdiction as shall be provided for by law. In the event of a vacancy in the office of a Justice of the peace, a new election shall be held under the directions of the Sheriff of the county or city where such vacancy occurs, upon ten days notice thereof; an appeal shall be in all civil cases from the judgement of a Justice of the Peace, to the judges of the County Courts and of the Court of Common Pleas for Baltimore city, as the case may be, and on all such appeals either party shall be entitled to a trial by jury where the amount in controversy shall be above ten dollars.

Sec. 22. Sheriffs shall be elected in each county and in the city of Baltimore, every third year, that is to say: two persons for the office of sheriff for each county, and two for the said city, the one of whom having the highest number of votes of the qualified voters of said county or city, or if both have an equal number, either of them, at the discretion of the Governor, to be commissioned by the Governor for the said office, and having served for three years, such person shall be ineligible for the four years next succeeding, bond with security to be taken every year as usual, and no sheriff shall be qualified to act before the same be given. In case of death, refusal, disqualification or removal out of the county, before the expiration of the three years, the other person chosen as aforesaid shall be commissioned by the Governor to execute the said office for the residue of the said three years, the said person giving bond with security as aforesaid. No person shall be eligible to the office of Sheriff, but a resident of such county or city respectively, and who shall have been a citizen of this State at least five years preceding his election and above the age of twenty-one years. The two candidates properly qualified, having the highest number of legal ballots, shall be declared duly elected for the office of sheriff for such county or city, and returned to the Governor with a certificate of the number of ballots for each of them.

Sec. 23. Constables, Coroners and Elisors shall be appointed for each county and the city of Baltimore, in the manner now prescribed by law, or in such other manner as the General Assembly may hereafter direct.

Sec. 24. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or where he shall have been of council in the cause, and whenever any of the judges of the county courts or of the courts of Baltimore city, shall be thus disqualified, or whenever by reason of sickness or any other cause, the said judges or any of them, may be unable to sit in any cause, the parties may, by consent, appoint a

proper person to try the said cause, or the judges shall exchange districts, and hold courts for each other, when they may deem it expedient, and shall do so when directed by law.

Sec. 25. No new original bill shall be filed or received in the High Court of Chancery of this State, from and after the ratification of this Constitution by the people of this State, nor shall any cause be removed from any other court in the State to the said court of Chancery from and after the said ratification; but all causes and proceedings now pending or which may be pending in the said court of Chancery at the time of the said ratification, shall be heard, determined and proceeded with, by the present Chancellor or his successor in office, until they shall be brought to a final close; provided, the same be done in five years from the time of said ratification, and at the end and expiration of said five years, from the time of the said ratification, or sooner if the said business in chancery be sooner disposed of, the office of Chancellor of this State, and the office of Register in Chancery shall be and they are hereby abolished. The present Chancellor and Register in Chancery, and in the event of any vacancy in their respective offices, their successors in office respectively to be appointed as at present by the Governor and Senate, shall during said five years or other shorter period, receive the same salary and compensation which they now receive. The Legislature shall provide by law, for the recording, safe keeping or other disposition of the records, decrees and other proceeding of the said court of Chancery, at the end and expiration of said five years or other shorter period, and for the transmission to the several counties of the State and city of Baltimore, of all such causes and proceedings in said court as may be then undisposed of and unfinished, in such manner, and under such regulations as may be deemed necessary and proper.

Sec. 26. The present Judges of the county courts, of the Orphans' courts, of Baltimore city court and of the magistrates courts, and of the commissioners of insolvent debtors for the city of Baltimore, and justices of the peace shall remain in office until the election and qualification of the Judges, and justices of the peace whose election is provided for by this Constitution and no longer.

Sec. 27. The first election of Judges, Clerks, Registers and Justice of the Peace, and all other officers whose election by the people is provided for in this article of the Constitution shall take place throughout the State on the first Wednesday of October next, after the ratification of this Constitution by the people.

Sec. 28. Whenever lands lie partly in one county, and partly in another, or whenever persons proper to be made defendants to proceedings in Chancery, reside, some in one county and some in another, that court shall have jurisdiction in which proceedings shall have been first commenced, subject to such rules, regulations and alterations as may be prescribed by law.

Sec. 29. In all suits or actions at law, and in all presentments and indictments, hereafter to be commenced or instituted in any of

the courts of law of this State, having jurisdiction thereof, the Judge or Judges thereof, upon suggestion in writing if made by the Attorney General, or the prosecutor for the State, or upon suggestion in writing supported by affidavit, if made by any other of the parties thereto, that a fair and impartial trial cannot be had in the court where such suit or action at law, or presentment and indictment is depending, shall and may order and direct the record of proceedings in such suit or action, presentment or indictment, to be transmitted to the Judge of any adjoining county for trial, who shall hear and determine the same in like manner as if such suit or action, presentment or indictment, had been originally instituted therein; provided nevertheless, that such suggestion shall be made as aforesaid, before or during the term in which the issue or issues may be joined, in said suit or action, presentment or indictment. And provided also, that such further remedy in the premises may be provided by law as the Legislature shall from time to time direct and enact.

Sec. 30. All elections of judges and other officers provided for under this article of the constitution shall be certified, and the returns made by the clerks of the respective counties to the Governor, who shall issue commissions to the different persons for the offices, to which they shall have been respectively elected.

ESTIMATES

Submitted by the Committee on the Judiciary.

Costs of the present Judiciary of Maryland under the old Constitution :		
12 Associate Judges of county courts at \$1,400 per annum, - -	\$16,800	
6 Chief Justices of county courts at \$2,200, - - - -	13,200	
1 Chief Judge of Court of Appeals, (extra pay allowed by law,) - -	300	
Extra pay allowed by law to Judges of Baltimore county and city, - -	8,000	
The Chancellor's salary, - -	3,000	
66 Judges of Orphans' courts in the counties and city of Baltimore, at an average by actual returns of \$300, to each Judge, - - - -	19,800	
Salary of the commissioners of Insolvent Debtors for the city of Baltimore, at \$2,000 to each, - - - -	6,000	
Salary of the Judges of Baltimore city court, - - - -	4,100	
Total costs of present system, - -		\$71,200
Costs of the Judiciary system reported from the committee on the Judiciary, under the new Constitution:		
3 Judges of Court of Appeals, at \$2,500 to each, - - - -	7,500	
20 Judges of county courts, at \$2,000,	40,000	
4 Judges of law and equity for Baltimore city, at \$2,500 to each, -	10,000	
1 Judge for Orphans' Court business for the city of Baltimore, at \$2,000 -	2,000	
1 Police Court Judge for Baltimore city,	1,500	
Total cost of system under new constitution, - - - -		61,000
Difference in favor of new system, -		10,200
If to this be added the amount of fees of 269 Judges of Magistrates' courts, now in commission, and proposed to be abolished, estimated at \$100 to each, equal to - - - -		26,900
The difference will be - -		37,100

Which was read and laid on the table.

Mr. Smith, submitted the following resolution:

Resolved, That the committee appointed by the order of the gentleman of Anne Arundel, (Judge Dorsey,) on page 269 of the Journal, be a committee upon the subject of New Counties ; and the order of enquiry submitted by Mr. Smith of Allegany, on page 166 of the Journal, upon the subject of a division of Allegany county, be referred to said committee.

Which was twice read and adopted.

On motion of Mr. Harbine,

The Convention took up for consideration the report submitted by Mr. Johnson, on the 25th ult., as chairman of the committee on the Legislative Department.

Mr. Phelps, moved that the Convention adjourn ;

Determined in the negative.

Mr. McHenry, moved for the reading of the report, and after having been read through ;

Mr. Spencer, moved that said report be postponed and made the order of the day for to-morrow ;

Determined in the affirmative.

Mr. Bowie, moved that the report of the committee on the Judiciary, be made the order of the day for Monday week, the 24th inst. ;

Determined in the affirmative.

Mr. Tuck, (the President pro tempore,) informed the Convention that application had been made to him on behalf of the State Temperance Society for the use of the Chamber of the Convention, to hold a meeting on to-morrow evening.

Mr. Bowie, moved that permission be granted them for the use of the Hall ;

Determined in the affirmative.

On motion of Mr. Buchanan,

The Convention adjourned until to-morrow morning 11 o'clock.

WEDNESDAY, February 12th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

On motion of Mr. Magraw,

The reading of the Journal of Proceedings was dispensed with.

Mr. Dorsey, presented a petition of sundry citizens of Howard District in Anne Arundel county, praying that said Howard District, be erected into a new county to be called "Howard county;"

Which was read, and

On motion of Mr. Dorsey,

Laid on the table.

On motion of Mr. Dorsey,

The Convention took up for consideration the order of the day, being the report submitted by him on the 8th inst., as chairman of the select committee, respecting the formation of New Counties.

Mr. Merrick, moved to postpone said order of the day, and take up for consideration the report on the Legislative Department.

Determined in the affirmative.

The Convention then proceeded to the consideration of the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.;

Mr. Dorsey, moved to amend said report by striking out the 1st section, and inserting in lieu thereof the following:

"The Legislature shall consist of two distinct branches, a Senate, and a House of Delegates, which shall be styled the General Assembly of Maryland ;"

Determined in the affirmative.

The 2nd section in said report having been read ;

Mr. Phelps, moved to strike out said section, and substitute in lieu of it the following :

Section 2nd. "The Senators shall be elected by the qualified voters of this State for the term of four years, and the Delegates in like manner, for the term of two years ; from the day of the general election, and the regular session of the General Assembly shall be Biennial ;"

Mr. Merrick, moved to amend the 2nd section of the report, by filling the blank in the 2nd line, with the words "one year ;"

Pending the question on this amendment, and

After debate thereon,

At half-past 3 o'clock, P. M. ;

On motion of Mr. Spencer,

The Convention adjourned until to-morrow morning 11 o'clock.

THURSDAY, February, 13th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

On motion of Mr. John Dennis, it was

Ordered, That it be entered upon the Journal that Mr. James U. Dennis, is detained from his seat in the Convention by the illness of a member of his family.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.

The question pending before the Convention on yesterday, being on the motion of Mr. Merrick, to fill the blank in the 2nd section, 2nd line, with the words "one year ;"

Mr. Merrick, withdrew said amendment.

Mr. Sprigg, then moved to amend said section by striking out all after the word "term," in the 2nd line, where it secondly occurs, and inserting in lieu thereof the following :

"Of one year from the day of the general elections, the General Assembly may continue its first session after the adoption of this constitution, as long as in the opinion of the two Houses the public interests may require it, but all subsequent regular sessions of the General Assembly shall be closed on the fiftieth day from their commencement, unless the same shall be closed at an earlier day by the agreement of the two Houses ;

Which was read.

After debate thereon,

Mr. Brent, of Charles, moved the previous question, that is :
"Shall the main question be now put ?" and it was

Determined in the affirmative.

The question was then put on the adoption of the amendment as offered by Mr. Sprigg ;

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Tuck, President, pro. tem., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Merrick, Buchanan, Welch, Constable, Chambers, of Cecil, McLane, Bowie, Sprigg, McCubbin, Spencer, George, Wright, Shriver, Biser, McHenry, Magraw, Gwinn, Brent, of Baltimore city, Presstman, Ware, Davis, Andersor, Parke, Shower and Brown—33.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Brent, of Charles, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashnell, Williams, Hicks, Hodson, Eccleston, Phelps, Miller, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Guther, Annan,

Stephenson, Nelson, Carter, Stewart, of Caroline, Hardcastle, Stewart, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Waters, Brewer, Weber, Hollyday, Fitzpatrick, Smith and Cockey—47.

So amendment was rejected.

Mr. Brent, of Charles, then moved to amend said 2nd section by striking out all after the words "term of," where they secondly occur in the 2nd line, and inserting in lieu thereof the following:

"One year from the day of the general election for the first two years after the adoption of this constitution, and thereafter for the term of two years from the day of each general election, so that the first two sessions of the General Assembly of Maryland after the adoption of this constitution, shall be annual and thereafter biennial;"

Which was read, and

On the question being put,

Mr. McMaster, moved for the yeas and nays, which being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Wells, Randall, Kent, Sellman, Brent of Charles, Merrick, Welch, Constable, Bowie, Sprigg, McCubbin, Bowling, Gaither, Gwinn, Brent, of Baltimore city, Prestman, Ware, Davis, Brewer, Waters, Hollyday and Fitzpatrick—23.

NEGATIVE—Messrs. Tuck, President, p. t., Morgan, Ricaud, Chambers, of Kent, Mitchell, Dorsey, Dalrymple, Buchanan, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Chambers, of Cecil, Miller, Spencer, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Carter, Stewart, of Caroline, Hardcastle, Stewart of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Smith, Parke, Shower, Cockey and Brown—54.

So the amendment was rejected.

Mr. Spencer, then moved to amend said 2nd section by striking out all after the words "term of," where they lastly occur, in the 2nd line, and inserting in lieu thereof the following:

"One year from the day of the general election, but the Legislature shall have the right to provide by law for biennial sessions;"

And moved the previous question, that is,

"Shall the main question be now put?" and it was

Determined in the affirmative.

The question was then put on the adoption of the amendment.

Mr. Spencer, moved for the yeas and nays, and being ordered, Mr. Chambers, of Kent, moved for a division of the question, hat it be taken on the first clause of the amendment;

Mr. Spencer, rose to a point of order, that the previous question on the entire amendment having been ordered by the Convention, the motion of Mr. Chambers, of Kent, for a division of the question, was not in order;

The Chair decided the motion to be out of order.

The yeas and nays were then taken on the amendment as offered by Mr. Spencer, and appeared as follows :

AFFIRMATIVE—Messrs. Tuck, President, pro tem., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Merrick, Buchanan, Welch, Constable, Chambers, of Cecil, Bowie, Sprigg, McCubbin, Spencer, George, Wright, Shriver, Biser, McHenry, Magraw, Presstman, Ware, Davis, Anderson, Hollyday, Parke and Brown—30.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Brent of Charles, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Miller, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Annan, Stephenson, Nelson, Carter, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Weber, Fitzpatrick, Smith, Shower and Cockey—49.

So the amendment was rejected.

Mr. Phelps, then moved to amend said 2nd section by filling the blank in the 2nd line with the words "two yeas;"

And moved the previous question, that is :

"Shall the main question be now put?" and it was Determined in the affirmative.

The question was then put on the adoption of the amendment as offered by Mr. Phelps;

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dorsey, Dalrymple, Brent, of Charles, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Tal., Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Annan, Stephenson, Nelson, Carter, Stewart, of Caroline, Hardcastle, Stewart of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith and Cockey—49.

NEGATIVE—Messrs. Tuck, Pres't, pro tem., Morgan, Donaldson, Wells, Randall, Kent, Sellman, Merrick, Buchanan, Welch, Constable, Chambers, of Cecil, Bowie, Sprigg, McCubbin, Wright, Shriver, Biser, McHenry, Magraw, Gwinn, Brent, of Balt. city, Presstman, Ware, Anderson, Parke, Shower and Brown—28.

So the amendment was adopted.

Mr. Wells, then moved to amend said 2nd section, by adding at the end thereof the following :

“Whenever the Legislature may hereafter determine to substitute biennial for annual sessions; and in the meantime, and until then, said sessions shall be annual, and the members of the House of Delegates shall be elected annually;”

Which was read.

Mr. Chambers, of Kent, moved the previous question, that is :

“Shall the main question be now put ?” and it was

Determined in the affirmative.

Mr. Hicks, moved for the yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Tuck, Pres’t, p. t., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Merrick, Buchanan, Welch, Constable, Bowie, Sprigg, McCubbin, Spencer, George, Wright, Shriver, Biser, Magraw, Brent, of Balt. city, Ware, Anderson, Parke, Shower and Brown—26.

NEGATIVE.—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Brent, of Charles, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Miller, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Annan, Stephenson, Nelson, Carter, Stewart, of Car., Hardcastle, Gwinn, Stewart, of Balt. city, Pressman, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith and Cockey—50.

So the amendment was rejected.

Mr. McHenry, moved to amend said 2nd section, by striking out all from the word “delegates,” in the 2nd line to the end thereof, and inserting in lieu thereof the following :

“For the term of one or two years from the day of the general election, as the people may, by separate vote, determine at the first of such general elections;”

Which was read.

Mr. McHenry, moved the previous question, that is :

“Shall the main question be now put ?” and it was

Determined in the affirmative.

The question was then put on the adoption of the amendment;

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Tuck, Pres’t, p. t., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Buchanan, Welch, Chambers, of Cecil, Miller, Bowie, Sprigg, George, Shriver, Biser, McHenry, Magraw, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Pressman, Ware, Davis, Anderson, Shower and Brown—28.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Brent, of Charles, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Bowling, Spencer, Wright, Dirickson, McMaster, Hearn, Jacobs, Thomas, Gaither, Annan, Stephenson, Nelson, Carter, Hardcastle, Stewart, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith, Parke, and Cockey—46.

So the amendment was rejected.

Mr. Hicks, moved that the Convention adjourn, which motion he waived for the purpose of enabling Mr. Spencer to move the following amendment, to add at the end of the said 2nd section ;

“But the Legislature shall have the right to provide by law for annual sessions;”

Mr. Spencer, then renewed the motion to adjourn, which motion he again waived to enable Mr. Thomas, to give notice that he should move on to-morrow, to amend the 21st rule of this Convention by striking therefrom the words “voting with the majority.”

Mr. Spencer, then renewed his motion to adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 11 o'clock.

FRIDAY, February 14th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention a communication from the clerk of Kent county court, in obedience to the order of the Convention of the 15th of November;

Which was read, and

On motion of Mr. Ricaud,

Referred to the committee on the Judiciary.

On motion of Mr. Thomas,

The Convention took up for consideration the motion submitted by him on yesterday, to amend the 21st rule of this Convention by striking therefrom the words “voting with the majority;”

The question was then put on the adoption of the amendment, and

Determined in the affirmative.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.,

The question pending before the Convention on yesterday, being the motion of Mr. Spencer, to amend the 2nd section of the report, by adding at the end thereof the following :

“But the Legislature shall have the right to provide by law for annual sessions;”

Mr. Spencer, withdrew said amendment, and substituted in lieu of it the following :

“But the Legislature shall have the right to provide by law for annual elections of Delegates to the General Assembly, and for annual sessions of the Legislature, which shall not continue in session longer than fifty days;”

Which was read.

On motion of Mr. Spencer,

The Convention was called, and the Doorkeeper sent for the absent members ;

On motion of Mr. Spencer,

Further proceedings under the call was dispensed with.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Spencer.

Mr. Spencer, moved for the yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Tuck, President, pro tem., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Merrick, Buchanan, Welch, Chambers, of Cecil, Miller, Sprigg, Spencer, George, Wright, Shriver, Biser, McHenry, Gwinn, Presstman, Ware, Anderson, Parke, Shower, Cockey and Brown—28.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Brent, of Charles, Howard, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Williams, Hicks, Hodson, Phelps, Bowling, Dirickson, Hearn, Jacobs, Thomas, Gaither, Annan, Stephenson, Magraw, Nelson, Carter, Stewart, of Caroline, Brent, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Weber, Hollyday, Fitzpatrick and Smith—40.

So the amendment was rejected.

Mr. Spencer, then moved to amend said 2nd section by adding at the end thereof the following proviso :

“Provided, that the Judges of elections in each county and city, when this constitution shall be submitted to the people for their

ratification, shall put the question distinctly to each voter: "are you in favor of annual or biennial sessions of the Legislature?" and the said Judges shall record separately on their poll books the answer of each voter to the said question; of which they shall make return in the same manner, as prescribed by law to ascertain the sense of the people on the ratification of said constitution. And if a majority of the legal voters in the State should be in favor of annual sessions, then at the next meeting of the Legislature after the ratification of this constitution, the Legislature shall provide by law for annual elections of Delegates to the General Assembly, and for annual sessions of the Legislature."

Which was read.

Mr. Shower, moved for the previous question, that is:

"Shall the main question be now put?" and it was

Determined in the affirmative.

The question was then put on the adoption of the amendment as offered by Mr. Spencer;

Mr. Mitchell, moved for the yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Tuck, Pres't, p. t., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Merrick, Buchanan, Welch, Chambers, of Cecil, Miller, Sprigg, Spencer, George, Wright, Shriver, Biser, Stephenson, McHenry, Magraw, Nelson, Stewart of Caroline, Gwinn, Bient, of Balt. city, Presstman, Ware, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—37.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Brent, of Charles, Howard, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Williams, Hicks, Hodson, Phelps, Bowling, Dirickson, Hearn, Jacobs, Thomas, Gaither, Annan, Carter, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer and Smith—30.

So the amendment was adopted.

Mr. Dirickson, gave notice of his intention hereafter to move a reconsideration of the vote of the Convention on the amendment just adopted.

Mr. Spencer, moved further to amend said section as amended, by adding at the end thereof these words, "which shall not exceed forty days;"

Mr. Magraw, moved that the Convention adjourn;

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Spencer.

Mr. John Newcomer, moved to amend said amendment by striking out "forty," and inserting in lieu thereof "thirty;"

Mr. Brown, moved for a division of the question upon striking out, and

On the question being put,

Mr. Dirickson, moved for the yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Lloyd, Dickinson, John Dennis, Williams, Hicks, Hodson, Phelps, Bowling, Dirickson, Jacobs, Gaither, Biser, Annan, McHenry, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Waters, Hollyday, Fitzpatrick and Smith—28.

NEGATIVE —Messrs. Tuck, President, p. t., Morgan, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Merrick, Howard, Buchanan, Sherwood, of Talbot, Chambers, of Cecil, Sprigg, Spencer, George, Wright, Thomas, Shriver, Stephenson, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Brent, of Balt city, Presstman, Ware, Davis, Brewer, Anderson, Weber, Parke, Shower, Cockey and Brown—35.

So the Convention refused to strike out.

The question then recurred upon the adoption of the amendment as offered by Mr. Spencer;

Mr. Dirickson, moved that the question be taken by yeas and nays;

Which motion was not sustained.

The question was then put on the adoption of the amendment, and

Determined in the affirmative.

At 3 o'clock, P. M.,

On motion of Mr. Presstman,

The Convention adjourned until to-morrow morning 11 o'clock.

SATURDAY, February 15th, 1851.

The Convention met,

Mr. Chapman, the Hon. President, appeared in the Convention and resumed the chair.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Shriver, chairman of the committee appointed on the Attorney General and his Deputies, submitted the following report from said committee :

The committee on the Attorney General and his Deputies, beg leave to make the following

REPORT :

Section 1st. The Governor shall have power to employ counsel for the State, when in his judgment the public interest requires it; and make suitable compensation from the contingent fund placed at his disposal.

Sec. 2nd. There shall be an Attorney for the State of Maryland in each county, Howard district and the city of Baltimore, respectively, to be styled "the Prosecuting Attorney," who shall be elected by the plurality vote of the qualified voters of each county, Howard district and the city of Baltimore; and who shall hold his office for three years from the day of his election, and until his successor be elected and qualified; and shall be re-eligible thereto, and be subject to removal from office for disqualification, wilful neglect of duty, or misdemeanor in office, by presentment of the grand jury, and conviction of a petit jury of the county, Howard District or city of Baltimore, in which he shall have been elected.

Sec. 3rd. The fees and commissions to the Prosecuting Attornies shall be the same, as now by law, allowed to the Attorney General and his Deputies, subject to such change, from time to time, as the Legislature shall provide; and to receive any other fee or reward than such as is allowed by law, shall be upon conviction sufficient cause for removal from office.

Sec. 4th. That in case of vacancy in the office of Prosecuting Attorney, by death, resignation, refusal to act, disqualification, removal from the county, Howard District, or city of Baltimore, in which he shall have been elected, or upon conviction, as hereinbefore specified, the said vacancy shall be filled by the Judge or Judges of the court having criminal jurisdiction in the county, Howard District, or city of Baltimore respectively, in which said vacancy shall happen, until the next general election thereafter, when the plurality vote of the qualified voters of the county, Howard district, or the city of Baltimore, in which said vacancy shall occur, shall elect a suitable person for the residue of the term thus made vacant.

Sec. 5th. No person shall be eligible to the office of Prosecuting Attorney, who has not been admitted to practice the law in this State, and who has resided for at least one year in the county, Howard district or the city of Baltimore, in which he may be a candidate for election.

Sec. 6th. All elections for prosecuting attornies shall be certified to, and returns made thereof by the clerks of the respective counties, Howard district, and the city of Baltimore, to the Judge or

Judges of the court having criminal jurisdiction in said counties Howard district, and the city of Baltimore, and by whom the oath of office shall be administered.

Sec. 7th. The election of Prosecuting Attornies shall take place throughout the State, on the first Wednesday of October next, and on the same day every third year thereafter; and in case of a tie between two or more persons for said office, then, the Judge or Judges of the court having criminal jurisdiction in the county, Howard district, or city of Baltimore, in which said tie may happen, shall designate which of said persons shall qualify as Prosecuting Attorney.

Which was read,

Mr. Merrick, chairman of the committee on Representation submitted the following :

REPORT:

Section 1st. The Legislature shall be formed of two distinct branches, a Senate and a House of Delegates, which together shall be a complete Legislature, and shall be styled, the General Assembly of Maryland.

Sec. 2nd. The House of Delegates shall consist of members to be chosen annually on the first Wednesday of the month of October, by the voters of the several counties of the State, and of the city of Baltimore, according to the number of the population of each of said counties, and of the said city of Baltimore, and in conformity with the following rule: That is to say, each of said counties and the city aforesid, shall elect one Delegate for every four thousand souls it may contain up to twenty thousand, and for any excess in the number of population in any of said counties or in the city of Baltimore above twenty thousand, and of not less than eight thousand, there shall be allowed to each county or city having such excess, one additional Delegate; and for any excess of population in any of the counties or city aforesaid, above twenty eight thousand and of not less than sixteen thousand, one other additional Delegate shall be allowed to each of the counties or to the city having such excess; and so on, duplicating the number of souls required to be in excess above the last number upon which an additional delegate was allowed, for the allowance of each further additional Delegate, to which by such duplicating ratio, any of the counties or the city of Baltimore; may be entitled for the whole number of its population, and for any fractional number of inhabitants in any county or in the city of Baltimore, less than sufficient to entitle the county or city, to an additional Delegate, according to the foregoing rule, and greater than one-half the highest number upon which according to said rule Delegates or an additional Delegate is allowed to said county or city, one additional Delegate shall be allowed to the county or city having such fraction.

Sec. 3rd. The Senate shall consist of twenty-two Senators, to be elected every fourth year, at the time, places and in the manner prescribed for the election of members of the House of Delegates; one Senator to be chosen by the voters of each county in the State, and two by the voters of the city of Baltimore; but for this purpose the said city of Baltimore shall be divided or laid off as nearly as may be, into two equal senatorial districts, each of which districts shall separately elect one Senator; and the said city of Baltimore shall also be laid off into nine equal electoral districts, for the purpose of electing members of the House of Delegates, and each of said electoral districts shall separately elect one Delegate—and it shall be competent for the Legislature at their first session after the authoritative promulgation of each decennial census of the people of the United States or whenever the said city shall by the further increase of her population become entitled according to the basis of representation now fixed, to one or more additional Delegates, to provide for re-arranging said electoral districts or creating others for the purpose of such election; but it shall not be competent for the Legislature to alter or disturb the arrangement of said district for any other purpose, nor upon any other occasion, nor to make the number of said districts less than the number of delegates to be elected from said city; and the Legislature shall have power at the same decennial periods to alter, for the purpose of equalization, the senatorial districts of said city, but at no other time.

TABLE

Showing the population of Maryland, and the number of delegates to which each county and city in the State will be entitled, according to the principles of this report :

COUNTIES, &c.	White Populat'n	Free Colored.	Total Free.	Slaves.	Grand Total.	Number of Delegates.
Allegany,	21,643	412	22,055	724	22,779	6
Anne Arundel,	16,542	4,602	21,144	11,249	32,249	6
Baltimore City,	141,440	24,668	166,018	2,946	169,054	9
Baltimore Co.,	34,354	3,474	37,828	3,771	41,599	7
Carroll,	18,676	993	19,639	976	20,615	5
Caroline,	6,096	2,788	8,884	808	9,692	2
Calvert,	3,630	1,530	5,160	4,486	9,646	2
Cecil,	15,482	2,612	18,094	843	18,937	5
Charles,	5,665	913	6,578	9,584	16,162	4
Dorchester,	10,788	3,803	14,591	4,281	18,872	5
Frederick,	33,300	3,771	37,071	3,912	40,983	7
Harford,	14,414	2,778	17,192	2,166	19,358	5
Kent,	5,615	3,144	8,759	2,627	11,386	3
Montgomery,	9,435	1,311	10,746	5,114	15,860	4
Prince George,	8,902	1,138	10,040	11,510	21,550	5
Queen Anne,	7,040	3,174	10,214	4,270	14,484	4
St. Mary's,	6,226	1,630	7,856	5,842	13,698	3
Somerset,	13,417	3,455	16,872	5,588	22,460	6
Talbot,	7,085	2,592	9,677	4,134	13,811	3
Washington,	26,888	1,852	28,740	2,090	30,830	6
Worcester,	12,401	3,012	15,413	3,434	18,847	5
Total,	419,039	73,622	492,661	90,355	583,016	102

Which was read.

The President announced that the hour had arrived for taking up the order of day ;

Mr. Merrick, moved to postpone the order of the day;

Determined in the affirmative.

Mr. Lloyd, from the committee on Representation, submitted the following rule of apportionment :

RULE OF APPORTIONMENT.

Section 1. The Senate shall be composed of twenty-one members, for the election whereof, each of the counties of the State and the city of Baltimore shall be one Senatorial District, and elect one Senator.

Sec. 2. The House of Delegates shall consist of eighty-one members; until the number of sixty six delegates be attained, every six thousand inhabitants in each of the counties, and the city of Baltimore, shall be entitled to one delegate; and thereafter,

twenty-five thousand inhabitants in each of the counties and city of Baltimore shall be entitled to one delegate.

Sec. 3rd. If in any of the said counties, according to the present population thereof, there shall be over the said ratio of six thousand, a fraction exceeding three thousand; in that case the said counties shall be entitled to a delegate for said fraction.

RESULT :

Section 1. The Senate shall consist of twenty-one members whereof the several counties of the State and the city of Baltimore shall elect one Senator.

Sec. 2. The House of Delegates shall consist of eighty-one members whereof Allegany county shall elect four; Anne Arundel county shall elect five; Baltimore city shall elect twelve; Baltimore county shall elect seven; Carroll county shall elect three; Caroline county shall elect two; Calvert county shall elect two; Charles county shall elect three; Cecil county shall elect three; Dorchester county shall elect three; Frederick county shall elect seven; Harford county shall elect three; Kent county shall elect two; Montgomery county shall elect three; Prince George's county shall elect four; Queen Anne's county shall elect two; St. Mary's county shall elect two; Somerset county shall elect four; Talbot county shall elect two; Washington county shall elect five; Worcester county shall elect three members.

Which was read,

Mr. Chambers, Kent, from the minority of the committee on representation submitted the following

REPORT :

The undersigned, a minority of the committee on representation, beg leave to report the following as a proper basis, being the same which was arranged by compromise in 1836, and then made part of the Constitution, with the exception only that the plan now proposed is based upon the gross amount of population instead of federal numbers. That arrangement was designed to go into effect after the census of 1860. The undersigned recommend its adoption at this time as a fair adjustment of a subject which this Convention has indicated as one proper for compromise.

Every county shall be entitled to elect one Senator, and the city of Baltimore shall also be entitled to elect one Senator.

Every county having a population of less than fifteen thousand souls shall be entitled to three delegates; every county having a population of fifteen thousand souls, and less than twenty-five thousand, shall be entitled to four delegates; every county having a population of twenty-five thousand, and less than thirty-five thousand souls, shall be entitled to five delegates, and every coun-

ty having a population of more than thirty-five thousand souls shall be entitled to six delegates ; and the city of Baltimore shall be entitled to the same number of delegates as the county which shall be entitled to the largest representation.

The undersigned herewith submit a table showing the practical operation of the basis they recommend.

E. F. CHAMBERS,
JAMES KENT,
JOHN DENNIS.

Which was read.

CENSUS OF 1850.

COUNTIES.	White.	Free Colored.	Total Free.	Slaves.	White, Free and Slaves.	Federal Numbers.	Present number of Delegates.	Proposed number of delegates.	Fraction, exceeding half the number required for an additional delegate.
Allegany,.....	21,752	397	22,149	724	22,873	22,584	4	4	7,873
Anne Arundel,.....	16,542	4,602	21,144	11,224	32,388	27,891	5	5	7,388
Baltimore City,.....	141,441	24,625	166,066	2,946	169,012	167,830	5	6	
Baltimore County,.....	34,222	3,600	37,822	3,767	41,589	40,091	5	6	
Carroll,.....	18,676	963	19,639	976	20,615	20,220	4	4	5,615
Caroline,.....	6,096	2,788	8,884	808	9,692	9,370	3	3	
Calvert,.....	3,610	1,520	5,130	4,488	9,618	7,824	3	3	
Cecil,.....	15,482	2,612	18,094	843	18,937	18,263	4	4	
Charles,.....	5,665	913	6,578	9,584	16,162	12,329	3	4	
Dorchester,.....	10,788	3,803	14,591	4,282	18,873	17,162	4	4	
Frederick,.....	31,595	3,637	35,232	3,261	38,493	37,188	5	6	
Harford,.....	14,414	2,785	17,199	2,166	19,365	18,498	4	4	
Kent,.....	5,595	3,132	8,730	2,637	11,367	10,608	3	3	
Montgomery,.....	9,435	1,311	10,746	5,114	15,860	13,815	4	4	
Prince George's,.....	8,902	1,138	10,040	11,510	21,550	16,946	4	4	6,550
Queen Anne's,.....	7,040	3,174	10,214	4,271	14,485	12,776	3	3	
Saint Mary's,.....	6,280	1,590	7,870	5,811	13,681	11,359	3	3	
Somerset,.....	13,417	3,453	16,870	5,588	22,458	20,224	4	4	7,458

Talbot,	7,087	2,590	9,677	4,134	13,811	12,158	3	3	
Washington,	26,969	1,885	28,854	2,089	30,943	30,108	5	5	
Worcester,	11,824	3,593	15,417	3,453	18,870	17,490	4	4	5,943
							82	86	

On motion of Mr. Howard, it was

Resolved, That the committee on amendments and revision of the Constitution be instructed to enquire into the expediency of inserting an article substantially as follows :

That in the year 1862, and every tenth year thereafter, it shall be the duty of the Governor for the time being, to arrange the representation in the House of Delegates, according to the ratio adopted by this Convention, and to declare by Proclamation the number of Delegates to which each county and city may be entitled according to the new census of the United States. And in said Proclamation, he shall also invite the people of the State, to vote on a day therein to be named, whether or not they desire to hold a Convention for the purpose of altering the Constitution. And in case a majority of those who vote, shall desire that a Convention according to the new basis of Representation, the Governor shall take the same steps to organize the Convention, which were followed as to the present.

On motion of Mr. Merrick,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ultimo.

The question pending before the Convention yesterday being on the adoption of the 2nd section as amended.

On motion of Mr. Spencer,

The Convention was called, and the Doorkeeper sent for the absent members.

On motion of Mr. Spencer,

Further proceedings under the call was dispensed with.

The question then recurred upon the adoption of the 2nd section as amended.

Mr. John Newcomer, moved the previous question, that is :

“Shall the main question be now put?”

Mr. Chambers of Kent, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Dalrymple, Buchanan, Welch, Dickinson, Phelps, Hearn, Annan, Stephenson, Nelson, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Parke and Cockey—18.

NEGATIVE.—Messrs. Chapman, President, Morgan, Ricaud, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Merrick, Howard Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, Williams, Hicks, Hodson, Miller, Tuck, Sprigg, Bowling, Spencer, George, Wright, Dirickson, Jacobs, Thomas, Shriver, Gaither, Biser, McHenry, Carter, Stewart, of Caroline, Pressman, Ware, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Shower and Brown—44.

So the Convention refused to second the previous question.

The question then recurred upon the adoption of the 2nd section as amended ;

Mr. Dorsey moved further to amend said section by striking out in the 3rd line thereof, the words, "the general elections," and inserting in lieu thereof, "their respective elections except in cases of elections to fill vacancies in unexpired terms."

Determined in the affirmative.

The question then recurred upon the adoption of the 2nd section as amended ;

Mr. Dirickson moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Donaldson, Dörsey, Wells, Kent, Merrick, Buchanan, Welch, Chambers, of Cecil, Miller, Tuck, Sprigg, Spencer, George, Wright, Shriver, Biser, Stephenson, McHenry, Nelson, Stewart, of Caroline, Presstman, Ware, Brewer, Andeison, Weber, Hollyday, Fitzpatrick, Cockey, Parke, Shower and Brown—32.

NEGATIVE—Messrs. Chapman, President, Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Howard, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Williams, Hicks, Hodson, Phelps, Bowling, Dirickson, Hearn, Jacobs, Thomas, Gaither, Annan, Carter, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Waters and Smith—31.

So the 2nd section as amended was adopted.

On motion of Mr. Ricaud,

The Convention adjourned until Monday morning 11 o'clock.

MONDAY, February 17th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The Proceedings of Saturday were read.

Mr. Wells, chairman of the committee on Accounts, submitted the following report :

The committee of Accounts respectfully report that they have examined and passed the account of Hayward, Bartlett, and Co.,

for repairs, to the furnace, herewith filed, and recommend the adoption of the following resolution:

G. WELLS, Chairman.

Resolved that the President of this Convention, draw on the Treasurer in favor of Haywood, Bartlett, & Co., for one hundred and forty six dollars and thirty-one cents.

Which was twice read and adopted.

Mr. Sollers, submitted the following resolution:

Resolved, That a committee of _____ be appointed by the Chair, whose duty it shall be to consider, what alterations or amendments can be made to the rules of this Convention for facilitating its business;

Which was twice read.

Mr. Sollers, moved the previous question, and that is

“Shall the main question be now put?” and it was

Determined in the affirmative.

'The said resolution was then adopted.

On motion of Mr. Harbine,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.,

On motion of Mr. Dorsey,

The 3rd section of said report was amended by striking out in the 3rd line thereof the word "general :"

Mr. Fiery, moved further to amend said section by striking out in the 2nd line the word "first," and inserting in lieu thereof "second;"

Mr. Sellman, moved to amend said section by striking out the words "first Wednesday of October," and inserting in lieu thereof the words "second Monday of August;"

The question was first put on the motion of Mr. Fiery,

Mr. Shower, moved for a division of the question upon striking out;

On the question being put on striking out, it was

Determined in the affirmative.

Mr. Jacobs, then moved to fill the blank with the words "first Monday of November ;"

Determined in the affirmative.

The said 3rd section having been read through as amended.

Mr. Donaldson offered as a substitute for said section the following:

Section 3rd. "The first election for Delegates shall be held on the first Monday of November 1851, and the Delegates then

chosen shall hold their seats for the term or one year only, the Senators heretofore elected shall hold their seats until the first Monday of November 1852, when an election shall be held for Senators and Delegates; and thereafter, on the same day in every alternate year, an election shall be held for Delegates and for one half of the Senators as nearly as may be, unless in accordance with the preceding sections, the Legislature shall provide for the annual election of Delegates ;”

Which was read.

Mr. Dirickson, moved that said section be passed over informally.

Determined in the affirmative.

The 4th section was then read;

On motion of Mr. Dorsey,

Said section was amended by striking out in the 5th line, the words “Wednesday of October,” and inserting in lieu thereof “Monday of November ;”

The said 4th section as amended was adopted.

Mr. Spencer, moved to amend said report by striking out the 5th and 6th sections of said report, and substituting in lieu thereof the following :

“The General Assembly shall meet on the first Wednesday next, after the first Monday of January eighteen hundred and fifty-two, and on the same day in the next year thereafter, to be named and fixed by the Legislature, but all subsequent sessions shall be biennial, and commence on the first Wednesday next after the the first Monday of January eighteen hundred and fifty-four, and on the same day in each alternate year thereafter, and at no other time, unless convened by the Proclamation of the Governor, who shall have power to convene the same whenever he may deem it expedient and proper, and all subsequent regular biennial sessions of the General Assembly, shall be closed on the 10th day of March next ensuing the term of their commencement, unless the same shall be closed at an earlier day by the agreement of the two Houses ;”

Which was read.

Mr. Biser, moved for a division of the question upon striking out, and on the question being put on striking out, it was

Determined in the negative.

On motion of Mr. Jacobs,

The Convention reconsidered their vote upon the 3rd section of the report.

Mr. Jacobs, then moved to amend said section by striking out in the 2nd line the words “first Monday of November,” and inserting in lieu thereof the following :

“On the Tuesday next after the first Monday in the month of November ;”

Mr. Spencer, moved for a division of the question upon striking out, and on the question being put, it was

Determined in the affirmative.

Mr. Stewart, of Caroline, moved to fill the blank with "the second Wednesday of October ;"

Mr. Brown, moved that the Convention reconsider their vote just taken on striking out the words "first Monday of November."

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Buchanan, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Constable, Chambers, of Cecil, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, Nelson, Carter, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Harbine, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower and Brown.—34.

NEGATIVE—Messrs. Chapman, President, Morgan, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Dalrymple, Sollers, John Dennis, Hicks, Hodson, Phelps, Sprigg, Bowling, Dirickson, Hearn, Jacobs, Magraw, Schley, Fiery, Neill, Waters, Smith and Cockey.—28.

So the Convention reconsidered their vote.

Mr. Jacobs then withdrew the amendment offered by him.

Mr. Dirickson, gave notice that he should on to-morrow, move to reconsider the vote of the Convention on the 2nd section of the report.

The 5th section was then read.

Mr. Thomas, moved to amend said section by inserting after the word "every," in the second line, the word "second ;"

Mr. Magraw, moved that the 5th and 6th sections be passed over informally.

Determined in the negative.

The question then recurred on the amendment as offered by Mr. Thomas to the 5th section.

Mr. Spencer, moved to amend said section by inserting in the 2nd line after the words "fifty-two," the following :

"And on the same day in the year eighteen hundred and fifty-three ;"

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Wells, Sellman, Buchanan, Welch, Sherwood, of Talbot, John Dennis, Hicks, Hodson, Miller, Sprigg, Bowling, Spencer, George, Wright, Dirickson, Jacobs, Thomas, Shriver, Biser, Annan, Carter, Stew-

art, of Caroline, Gwinn, Fiery, Neill, Harbine, Waters, Anderson, Hollyday, Fitzpatrick, Smith and Cockey—38.

NEGATIVE. — Messrs. Lloyd, Dickinson, Phelps, Constable, Chambers, of Cecil, McLane, Hearn, Gaither, Stephenson, Nelson, Stewart, of Baltimore city, Sherwood, of Baltimore city, Waite, Schley, Brewer, Weber, Parke and Brown—18.

So the amendment was adopted.

The question then recurred on the amendment as offered by Mr. Thomas, to insert in said section after the word "every," in the second line the word "second,"

Mr. Thomas, then moved to amend said section by inserting after the word "day," in the 2nd line the words "in the year eighteen hundred and fifty-four;"

Pending the question on this amendment,
At 3 o'clock, P. M.,

On motion of Mr. Buchanan,
The Convention adjourned until to-morrow morning 11 o'clock.

TUESDAY, February 18th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Gwinn, submitted the following resolution :

Resolved, 'That this Convention will hereafter meet at 10 o'clock, and that no motion to adjourn shall be in order before three o'clock ;

And moved the previous question ;

Which being seconded, the question was put,

Mr. Stewart, of Baltimore city, moved that the question be taken by yeas and nays, and being ordered,

Mr. Spencer, moved for a division of the question upon each branch of the order ;

And the yeas and nays were then taken and appeared as follows :

AFFIRMATIVE — Messrs. Mitchell, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Hicks, Hodson, Phelps, Chambers, of

Cecil, McCullough, Miller, Spencer, George, Dirickson, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—45.

NEGATIVE—Messrs. Chapman, President, Morgan, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Dalrymple, Merrick, Buchanan, Welch, Ridgely, John Dennis, Williams, McLane, Sprigg, Bowling, Wright, Hearn, Jacobs, Davis and Anderson—22.

So the first branch of the order was adopted.

The question then recurred upon the second branch of the order ;

Mr. Gwinn, withdrew the second branch of the order.

Mr. Mitchell, submitted the following resolution :

Resolved, That after to-day, the Convention will meet every evening at 4½ o'clock, P. M.;

And moved the previous question,

Which being seconded, was put.

Mr. Stewart, of Baltimore city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE — Messrs. Mitchell, Dalrymple, Dickinson, Sherwood, of Talbot, Hicks, Phelps, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Schley, Fiery, Neill, Harbine, Davis, Brewer, Weber, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown.—33

NEGATIVE.—Messrs. Chapman, President, Morgan, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Merrick, Buchanan, Bell, Welch, Ridgely, Lloyd, John Dennis, Williams, Hodson, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Sprigg, Bowling, Spencer, George, Wright, Dirickson, Hearn, Jacobs, McHenry, Carter, Ware, Waters, Anderson and Hollyday—35.

So the resolution was rejected.

The President announced the appointment of the following committee under the order adopted on yesterday, to consider what alterations or amendments can be made in the rules of this Convention for facilitating its business, Messrs. Ricaud, Schley, Buchanan, Brown and Morgan to compose the committee.

On motion of Mr. Fiery,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, Chairman of the committee on the Legislative Department, on the 25th ult.

The question pending before the Convention on yesterday being on the motion of Mr. Thomas, to insert in the 5th section after the word "day," in the second line, the words "in the year eighteen hundred and fifty-four;"

Mr. Dirickson, in accordance with the notice given by him on yesterday, moved to reconsider the vote of the Convention upon the 2nd section of the report,

Determined in the affirmative.

On motion of Mr. Dirickson,

The Convention then reconsidered their vote upon the proviso, submitted by Mr. Spencer, and adopted by the Convention to said section.

Mr. Spencer, then withdrew said amendment.

The said 2nd section having been read through,

Mr. Wells, moved to amend said section by adding at the end thereof the following :

"And the sessions of the General Assembly shall be annual."

Determined in the negative.

On motion of Mr. Wells,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Donaldson, Dorsey, Wells, Merrick, Buchanan, Welch, Constable, Chambers of Cecil, McCullough, Sprigg, Shriver, Biser, Gwinn, Brent of Baltimore city, Sherwood of Balt. city, Ware, Anderson, Ege, Shower and Brown—22.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Dalrymple, Bell, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, John Dennis, Williams, Hicks, Hodson, Phelps, Miller, Bowling, Spencer, George, Wright, Dirickson, Hearn, Jacobs, Thomas, Gaither, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart of Caroline, Stewart of Baltimore city, Schley, Fiery, Neill, Harbine, Davis, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith, Parke and Cockey—45.

So the amendment was rejected.

Mr. Parke, moved to amend said 2nd section by adding at the end thereof the following proviso:

"Provided, That the Delegates shall be elected for one year and the Senators for three years (one-third of the latter annually, as near as may be,) as soon as a majority of the legal voters of the State, at some general election shall have decided in favor of a change from biennial to annual sessions of the Legislature; and the General Assembly shall have the power to provide by law for taking the sense of the people as aforesaid, and for making all arrangement necessary to carry such change into effect, should a majority of the legal voters determine in favor thereof"

Determined in the negative.

The question then recurred upon the adoption of the 2nd section, Mr. Phelps, moved the previous question, and being seconded, The question was put, on the adoption of the 2nd section, and Determined in the affirmative.

The Convention then resumed the consideration of the amendment as offered by Mr. Thomas on yesterday to the 5th section, to insert after the word "day," in the 2nd line, the words "in the year eighteen hundred and fifty-four;"

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, McLane, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Brent, of Baltimore city, Ware, Harbine, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Ege, Shower and Brown—36.

NEGATIVE.—Messrs. Chapman, Pres't, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Dalrymple, Merrick, John Dennis, Williams, Hicks, Hodson, Sprigg, Bowling, Dirickson, Jacobs, Stewart, of Balt. city, Schley, Fiery, Neill, Davis, Waters, Smith, Parke and Cockey—27.

So the amendment was adopted.

Mr. Chambers, of Kent, gave notice that he should move on to-morrow, to reconsider the amendment just adopted.

On motion of Mr. Thomas,

Said section was further amended by striking out in the 2nd line, the words "in every," and inserting in lieu thereof, "in the year eighteen hundred and fifty four, and on the same day in every second year;"

The said 5th section was then adopted as amended.

The 6th section was then read;

Mr. Parke, moved to amend said section, by striking out in the first line thereof, the word "two;"

Determined in the negative.

The said 6th section was then adopted.

The 7th section was then read;

Mr. Thomas, moved to amend said section by filling the blank therein with these words, "county, city or district;"

Mr. Dorsey, moved to amend said amendment by striking out "or district;"

Which amendment Mr. Thomas accepted.

The said amendment was then adopted.

Mr. Sprigg, moved further to amend said section by striking out in the 2nd line, the words, "is not a citizen of the United States,"

and insert "has not been a citizen of the United States for at least five years;"

Mr. Thomas, moved for a division of the question upon striking out;

Mr. Sprigg, withdrew the amendment.

Mr. McHenry, then moved to amend said section by striking out all from the words "United States," to the word "nor," in the 7th line, and insert "and of this State;"

Determined in the negative.

Mr. Dorsey, moved to amend said section by striking out "three;" in the 3rd line, and inserting in lieu thereof "two;"

Determined in the negative.

Mr. Merrick, moved to amend said section, by filling the blank in the eight line, with "thirty;"

Mr. Schley, moved to fill the blank with "twenty-five;"

The question was first put on the motion of Mr. Merrick, to fill the blank with "thirty," being the largest number, and

Determined in the negative.

The question was then put on the motion of Mr. Schley, to fill the blank with "twenty-five," and

Determined in the affirmative.

On motion of Mr. Dorsey,

Said section was amended by striking out in the 8th and 9th lines, the word "also."

The said 7th section was then read and adopted.

The 8th section was then read and adopted.

The 9th section was then read;

Mr. Gwinn, moved to amend said section by striking out in the 2nd line, the word "Civil;"

Mr. Ridgely, stated that in consequence of the absence of his colleague, Mr. Chandler, who was detained at home by the indisposition of his family, and who desired to be heard on the 9th section, he moved that the Convention pass over said section informally;

Objection being made,

Mr. McHenry, moved that the Convention postpone the consideration of said section;

Determined in the affirmative.

The 10th section was then read;

Mr. Stewart, of Caroline, moved to strike out the 10th section;

Determined in the affirmative.

The 11th section was then read;

On motion of Mr. Dorsey,

Said section was amended by inserting after the word "determined," in the 5th line, the following:

"By the House in which such contests may arise."

The said section was then adopted as amended.

The 12th and 13th sections, were severally read and adopted.

The 14th section was then read;

Mr. Stephenson, moved to amend said section, by striking out the word "five," in the ninth line, and inserting in lieu thereof, "two;"

Determined in the negative.

On motion Mr. Chambers, of Kent,

Said section was amended, by inserting after the word "them," in the 3rd line, these words, "in the House of Delegates, and one in the Senate."

The said 14th section was adopted as amended.

The 15th section was then read and adopted.

The 16th section was then read;

Mr. Dorsey, moved to amend said section by inserting after the word "the," in the 1st line, the words "commencement of the first;"

Determined in the negative.

Mr. Stewart, of Caroline, moved to amend said section by adding at the end thereof, the following:

"And that all laws be passed by original bill and not as supplement;"

Mr. Sprigg, moved to amend said amendment by adding the following:

"And no law enacted by the Legislature, shall embrace more than one subject, and that shall be described in its title, and no law shall be revised or amended by reference to its title only;"

Pending the question on these amendments,

And after debate thereon,

Mr. Sprigg, moved that the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, February 19th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The Proceedings of yesterday were read.

The President laid before the Convention a petition of Sundry citizens of the city of New York, praying the Convention to incorporate in the organic law of this State, a provision entirely, and forever prohibiting the drawing of Lotteries within the State of Maryland.

Which was read.

Mr. Donaldson, moved that said petition be entered on the Journal.

Mr. Shriver, moved that it be referred to the committee on the Legislative Department,

Mr. Thomas moved that said petition be laid on the table,

Determined in the affirmative.

Mr. Smith, presented a petition of sundry citizens of Allegany county, praying that a provision may be engrafted in the new constitution, that the privilege to sell intoxicating liquors shall not be granted to any person in any part of the State, except the same shall be sanctioned, or approved of by a majority of the voters in the election district where the same is to be sold;

Which was read,

Mr. Dorsey, moved that said petition be referred to a select committee;

Mr. Smith, moved that said petition be referred to committee No. 14.

Determined in the affirmative.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Sprigg, to the amendment offered by Mr. Stewart, of Caroline;

Mr. Sprigg, withdrew the amendment offered by him.

Mr. Stewart, of Caroline, also withdrew his amendment.

The 16th section was then read,

Mr. Brown, moved to amend said section by striking out in the 1st line, these words, "the enacting clause of every bill shall be," and inserting in lieu thereof the following:

"That the style of all laws, run this;"

Mr. Schley, moved to amend said amendment, by striking out the words "run thus," and substituting in lieu thereof "of this State, shall be;"

Which amendment Mr. Brown accepted.

The said amendment was then adopted as amended.

The said 16th section was then adopted as amended.

The 17th section was then read,

Mr. Phelps, moved to amend said section by striking out in the first line, the words, "any bill," and inserting in lieu thereof the following:

"Bills for raising revenue or levying taxes shall originate in the House of Delegates, but the Senate may alter, amend or reject them as other bills;"

Determined in the negative.

Mr. Wells, then moved to amend said section by adding at the end thereof the following:

"Nor shall any bill originate in either House during the last three days of the session;"

Mr. Spencer, moved the question be taken by yeas and nays,
Which motion was not sustained.

The question was then put on the adoption of the amendment, and

Determined in the negative.

On motion of Mr. Phelps,

Said section was amended by striking out in the last line, the word "depending," and inserting in lieu thereof the word "pending;"

Mr. Stephenson, moved to amend said section by inserting after the word "read," in the 3rd line, the word "through;"

Mr. Stephenson, moved the question be taken by yeas and nays,
Which motion was not sustained.

The question was then put on the adoption of the amendment, and

Determined in the negative.

Mr. Blakistone, moved to amend said section by striking out from the word "other," in the 2nd line, to end of said section;

Determined in the negative.

On motion of Mr. Wells,

Said section was amended by inserting after the word "House," where it first occurs in 4th line these words, "Nor shall any bill originate in either House during the last three days of the session;"

On motion of Mr. Spencer,

Said section was further amended by adding at the end thereof these words, "as to reading and originating bills;"

The said 17th section was then adopted as amended.

On motion of Mr. Sprigg,

The Convention reconsidered their vote on the 16th section of said report.

Mr. Sprigg, then moved to amend said 16th section by adding at the end thereof the following:

“And no law enacted by the Legislature, shall embrace more than one subject and that shall be described in its title, and no law shall be revised or amended by reference to its title only;”

Mr. Stewart, of Caroline, moved as a substitute for said amendment, the following:

“All laws shall be passed by original bill and not by supplement, and every law enacted by the Legislature shall embrace but one subject, and that shall be described in the title, and no law shall be revived or amended by reference to its title only ; but in such case, all parts of the act to be revised or amended that are embraced in the object of the bill, shall be re enacted and published at length.”

Which was read.

Mr. Spencer, moved for a division of the question upon each branch of said substitute, the first branch being in these words:

“All laws shall be passed by original bill and not by supplement,”

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Weems, Bell, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Hicks, Hodson, Constable, Chambers, of Cecil, McCullough, Miller, Bowling, Dirickson, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Schley, Fiery, Neill, Weber, Fitzpatrick, Smith, Ege, Cockey and Shower—33.

NEGATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Chambers of Kent, Donaldson, Dorsey, Wells, Merrick, Ridgely, Williams, Phelps, Sprigg, Spencer, George, Wright, Hearn, Gwinn, Stewart of Balt. city, Presstman, Harbine, Davis, Brewer, Parke and Brown—24.

So the first branch of said substitute was adopted.

The question then recurred upon the adoption of the second branch of said amendment,

Mr. Spencer, moved for a division of the second branch of said amendment, being in these words:

“Every law enacted by the Legislature shall embrace but one subject, and that shall be described in the title ;

On the question being put on this branch of the amendment, it was

Determined in the affirmative.

The question was then taken on the third branch of said amendment, being in these words :

“And no law shall be revived or amended by reference to its title only; but in such case all parts of the act to be revised or amended that are embraced in the object of the bill, shall be re-enacted and published at length;”

Mr. Spencer, moved that the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Mitchell, Weems, Buchanan, Bel^l, Welsh, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Hicks, Hodson, Phelps, Constable, McCullough, Miller, Sprigg, Bowling, Diricksen, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Fiery, Neill, Anderson, Weber, Fitzpatrick, Smith, Ege, Cockey and Shower—33.

NEGATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Chambers, of Kent, Donaldson, Dorsey, Wells, Dalrymple, Merrick, Williams, Spencer, George, Wright, Jacobs, McHenry, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Pressman, Ware, Schley, Harbine, Kilgour, Davis, Waters, Brewer, Hollyday, Parke and Brown—31.

So the third and last branch of the amendment was adopted.

Mr. Sprigg then withdrew his amendment.

The question then recurred on the adoption of the 16th section as amended.

Pending the question thereon,

On motion of Mr. Stewart, of Baltimore city,

The Convention adjourned until to-morrow morning 10 o'clock.

THURSDAY, February 20th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceeding of yesterday were read.

On motion of Mr. Stephenson, it was

Ordered, That it be entered on the Journal that Mr. Sappington, is detained from his seat in consequence of the serious indisposition of his family.

On motion of Mr. Fiery,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.

The question pending on yesterday, before the Convention being on the adoption of the 16th section as amended.

Mr. Dorsey, moved to strike out the whole of said section, and insert in lieu thereof the following:

“The Legislature of Maryland, shall at its next session, if then practicable, and if not, as soon thereafter as it can be done, contract with two learned jurists of this State, distinguished as well for their industry, as professional ability, to codify or digest and abridge the public acts of Assembly then in force.”

Mr. Spencer, moved as a substitute for said amendment, to strike out the 16th section and insert in lieu thereof the following:

“The style of all laws of this State shall be: Be it enacted by the General Assembly of Maryland, and all laws shall be enacted by bill only, and no law enacted by the Legislature shall embrace more than one subject, and that shall be described on its title, and the Legislature shall at its next session after the adoption of this constitution, or as soon thereafter as it can be done at the expiration of every five years thereafter, contract with two learned jurists, distinguished for their industry and professional ability, to digest, abridge and condense and codify, the statute laws of this State, and with two other equally distinguished jurists, to simplify and abridge the rules and practice and pleadings, and proceedings of the courts of record of this State, abolishing all special pleading, subject to the approval of the Legislature;”

Which was read.

Mr. Schley, moved to amend said 16th section, by adding at the end thereof, the following:

“The Legislature at its first session after the adoption of this Constitution, shall appoint one or more commissioners, learned in the law, whose duty it shall be to revise and codify the Statutes of this State, and one or more commissioners, learned in the law, whose duty it shall be to revise, simplify and abridge the rules and practice, pleadings, forms and proceedings of the courts of record in this State, and report the same to the Legislature for adoption, and it shall be the duty of the Legislature at the expiration of every subsequent period of ten years after the adoption and promulgation of the code of laws, to have published and promulgated all the Statute Laws of this State then in force;”

Which was read.

Pending the question on this amendment, and

After debate thereon,

At 5 minutes past 3 o'clock, P. M.,

Mr. Merrick, moved the Convention adjourn;

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Chambers, of Kent, Donaldson, Wells, Randall, Merrick, John Dennis, Williams, Hodson, Goldsborough, Phelps, Sprigg, George, Wright, Hearn, Jacobs, Magraw, Carter, Gwinn, Stewart, of Balt. city, Pressman, Ware, Davis, Kilgout, Waters, Anderson and Hollyday—30.

NEGATIVE.—Messrs. Ricaud, Mitchell, Dorsey, Weems, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, James U. Dennis, Hicks, Constable, Miller, McCubbin, Spencer, Dirickson, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Thawley, Stewart of Caroline, Sherwood of Balt. city, Schley, Fiery, Harbine, Brewer, Weber, Fitzpatrick, Smith, Parke, Ege, Cockey and Brown—39.

So the Convention refused to adjourn.

Mr. Phelps, moved the Convention be called ; and

The Clerk having commenced the call ;

Mr. Stewart, of Caroline, moved to suspend further proceedings, under the call ;

Mr. Magraw, moved that the Convention adjourn ;

Mr. Gwinn, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Merrick, Dickinson, Sherwood, of Talbot, John Dennis, Williams, Goldsborough, Phelps, Sprigg, Bowling, George, Wright, Hearn, Jacobs, Magraw, Carter, Stewart, of Balt. city, Pressman, Ware, Davis, Kilgour, Waters, Anderson, Hollyday, Smith and Brown—34.

NEGATIVE.—Messrs. Ricaud, Mitchell, Weems, Buchanan, Bell, Welch, Ridgely, Lloyd, James U. Dennis, Hicks, McCubbin, Spencer, Dirickson, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Gwinn, Sherwood, of Baltimore city, Schley, Fiery, Harbine, Brewer, Weber, Fitzpatrick, Parke, Ege, Shower and Cockey—34.

So the Convention refused to adjourn.

Mr. Kilgour, moved for a call of the House,

Mr. Dorsey, moved that the Convention adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

FRIDAY, February 21st, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Ricaud, chairman of the select committee appointed to revise the Rules, submitted the following

REPORT:

Strike out the 17th Rule and insert:

The previous question shall be always in order in Convention, and shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to all debate and to bring the Convention to a direct vote upon pending amendments and the section of the constitution then under consideration. On a motion for the previous question, and prior to the seconding of the same, a call of the Convention shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a division of the main question.

RULE 18th.

On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question and pending such motion shall be decided, whether on appeal or otherwise, without debate.

The rules from 18th to 28th, to be altered numerically so as to correspond with this report.

Rule 29th to be repealed, and the following rule to be substituted:

A motion to postpone to a day certain, to commit, to determine the priority of business or to lay on the table, shall be decided without debate.

RULE 30th.

Every amendment or motion may be divided into as many parts as it is susceptible of, and separate votes taken on each if required. Which were read.

On motion of Mr. Morgan, it was

Ordered, That it be entered upon the Journal that Mr. Hopewell is detained from his seat in this Convention, in consequence of the indisposition of a member of his family.

Mr. Kilgour, submitted the following order:

Ordered, That when this Convention shall adjourn, it stand adjourned over to Monday, the 24th inst., at 12 o'clock, in honor of the anniversary of the birth day of the illustrious George Washington.

Which was read,

Mr. Fiery, moved to lay said order on the table;

Mr. Smith, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. James U. Dennis, Hodson, Phelps, Stephenson, McHenry, Nelson, Thawley, Gwinn, Schley, Fiery, Harbine, Weber, Smith, Parke, Shower, Cockey and Brown—17.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Ricaud, Chambers of Kent, Dorsey, Wells, Randall, Sellman, Weems, Merrick, Bell, Welch, Dickinson, Sherwood, of Talbot, John Dennis, Williams, Goldsborough, McCullough, Miller, Tuck, Sprigg, McCubbin, George, Wright, Jacobs, Thomas, Shriver, Biser, Annan, Magraw, Carter, Stewart of Caroline, Ware, Davis, Kilgour, Brewer, Waters, Anderson, Hollyday, Fitzpatrick and Ege—43.

So the Convention refused to lay the order on the table.

The question then recurred and was put on the adoption of the order;

Mr. Smith, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Ricaud, Chambers of Kent, Dorsey, Wells, Sellman, Weems, Merrick, Buchanan, Bell, Welch, Lloyd, John Dennis, Williams, Goldsborough, McCullough, Miller, Tuck, Sprigg, McCubbin, George, Wright, Jacobs, Thomas, Biser, Magraw, Carter, Stewart of Caroline, Brent of Baltimore city, Ware, Davis, Kilgour, Brewer, Waters, Anderson, Hollyday, Fitzpatrick and Ege—41.

NEGATIVE—Messrs. Dickinson, Sherwood of Talbot, James U. Dennis, Hodson, Phelps, Shriver, Annan, Stephenson, McHenry, Nelson, Thawley, Gwinn, Schley, Fiery, Harbine, Weber, Smith, Parke, Shower, Cockey and Brown—21.

So the order was adopted.

On motion of Mr. Sellman, it was

Ordered, That the Treasurer be requested to report to this Convention the amount of money expended in the purchase of lots and the erection of warehouses in the city of Baltimore, for the inspection of Tobacco; and also to report further, whether the purchase of lots, the erection of warehouses, and the expenses of inspection are now, or have been at any time heretofore a charge upon the Treasury of the State.

On motion of Mr. Brown,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.;

The question pending before the convention on yesterday, being on the amendment offered by Mr. Schley, to the 16th section.

Mr. Davis, moved for a division of the question upon said amendment.

Mr. Ege, moved the previous question.

On motion of Mr. Blakistone,
The Convention was called.

Mr. Ege, moved that further proceedings under the call be dispensed with ;

Determined in the negative.

The Doorkeeper was then sent for the absent members, who, after a short time, returned and reported that he had notified the absent members that their attendance in the Convention was required.

On motion of Mr. Biser,

Further proceedings under the call was dispensed with.

The question then recurred and was put upon the motion of Mr. Ege, for the previous question, that is:

Shall the main question be now put? and it was

Determined in the affirmative.

The question then recurred upon the adoption of the amendment as offered by Mr. Schley ;

Mr. Davis, withdrew his motion for a division of the question upon said amendment;

Mr. Gwinn, renewed it.

The question was then put on the first branch of the amendment, being in these words:

“The Legislature at its first session after the adoption of this constitution, shall appoint one or more commissioners learned in the law, whose duty it shall be to revise and codify the statutes of this State ;”

Mr. Ege, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Ricaud, Lee, Chambers of Kent, Weems, Bond, Merrick, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood of Talbot, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, Phelps, McCullough, Miller, Tuck, Sprigg, McCubbin, Bowling, Wright, Dirickson, Hearn, Jacobs, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Brent of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—62.

NEGATIVE—Messrs. Dorsey, Wells, Sellman and Davis—4.

So the first branch of said amendment was adopted.

The question was then put on the second branch of said amendment, being in these words:

“And one or more commissioners learned in the law, whose duty it shall be to revise, simplify and abridge the rules and practice, pleadings, forms and proceedings of the courts of record in this State ;”

The yeas and nays being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Ricaud, Lee, Weems, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood of Talbot, John Dennis, James U. Dennis, Williams, Hodson, Phelps, McCullough, Miller, McCubbin, Bowling, George, Wright, Dirickson, Hearn, Jacobs, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Brent of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—58.

NEGATIVE—Messrs. Chambers of Kent, Dorsey, Wells, Sellman, Goldsborough, Tuck, Sprigg and Davis—8.

So the second branch of said amendment was adopted.

The question was then put on the third branch of said amendment, being in these words:

“And report the same to the Legislature for adoption ;”

The yeas and nays being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Ricaud, Lee, Chambers of Kent, Sellman, Weems, Bond, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood of Talbot, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, Phelps, McCullough, Miller, Tuck, Sprigg, McCubbin, Bowling, George, Wright, Dirickson, Hearn, Jacobs, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Brent of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Davis, Brewer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—63.

NEGATIVE—Messrs. Dorsey and Wells—2.

So the third branch of said amendment was adopted.

The question was then put on the fourth and last branch of said amendment, being in these words :

“And it shall be the duty of the Legislature at the expiration of every subsequent period of ten years after the adoption and promulgation of the code of laws, to have published and promulgated all the Statute Laws of this State then in force ;”

The yeas and nays being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Ricaud, Lee, Chambers of Kent, Weems, Buchanan, Bell,

Welch, Lloyd, Dickinson, Sherwood of Talbot, John Dennis, James U. Dennis, Williams, Hodson, McCullough, Miller, Tuck, Sprigg, McCubbin, Bowling, George, Wright, Dirickson, Hearn, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Brent of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—62.

NEGATIVE—MESSIS. Dorsey, Wells, Sellman, Goldsborough, Phelps and Gwinn—6.

So the fourth and last branch of said amendment was adopted.

The question then recurred upon the adoption of the substitute as offered by Mr. Spencer, on yesterday, for the amendment offered by Mr. Dorsey, and in lieu of the 16th section.

Mr. Dorsey withdrew his amendment and substituted in place of it the following:

"Section 16. The style of all laws shall be: "Be it enacted by the General Assembly of Maryland." The Legislature of Maryland, shall at its next session, if then practicable, if not, as soon thereafter as it can be done, contract with two learned jurists of this State, distinguished as well for their industry as professional ability, to codify or digest and abridge the public acts of Assembly then in force, and every ten years thereafter, an additional code or digest, shall, in like manner, be made of all public acts of the Legislature, passed subsequently to those embraced in preceding codes or digests, and no act of Assembly shall include in its enactments subjects unconnected with each other, and forming fit subjects for distinct and independent legislation: and the title of every bill shall indicate the nature of its enactments, and no law or any section thereof, shall be continued, revived, amended or repealed by reference to its title only, or the number of the section;"

Which was read.

On motion of Mr. Tuck,

The amendment offered by Mr. Schley, and adopted as a part of the 16th section, was amended, by inserting in the 2nd line after the word "commissioners" the words "not exceeding three," also by inserting the same words after the word "commissioners," in the 4th line.

On motion of Mr. Schley,

Said section was further amended by inserting between the words "the" and "statutes," the words "public general," wherever it occurs in said section.

On motion of Mr. Dent,

Said section was further amended by inserting after the word "State," in the 7th line, the following:

"And also to simplify and abridge the forms of conveyancing, now in use in this State."

The question then recurred upon the substitute as offered by Mr. Spencer;

Mr. Buchanan, stated to the Convention, that Mr. Spencer had informed him that he had been compelled to leave the city on pressing business, and desired him to ask the Convention to pass over the 16th section informally, until he could be present.

The question was then put on the adoption of the substitute as offered by Mr. Spencer, and

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Dorsey;

Mr. Chambers of Kent, moved to amend said amendment, by inserting between the words "public" and "acts," the words "and general;"

Mr. Chambers of Kent, withdrew said amendment.

The question then recurred on the adoption of the amendment as offered by Mr. Dorsey, in place of the 16th section ;

Mr. Stewart of Caroline, moved a division of the question on striking out ;

Mr. Dorsey, moved for the yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—**MESSRS.** Chapman, Pres't, Morgan, Blakistone, Ricaud, Lee, Chambers of Kent, Dorsey, Wells, Sellman, Weems, Merrick, Williams, Goldsborough, Phelps, Tuck, Sprigg, McCubbin, Hearn, Jacobs, McHenry, Gwinn, Ware, Davis, Kilgour, Waters, Anderson and Brown—26.

NEGATIVE—**MESSRS.** Dent, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, James U. Dennis, Hodson, Miller, Bowling, Wright, Dirickson, Thomas, Shriver, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Brent, of Baltimore city, Schley, Fiery, Harbine, Brewer, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege and Shower--36.

So the Convention refused to strike out.

Mr. Gwinn, then moved to strike out the 16th section, an insert in lieu thereof the following :

"All laws shall be passed by original bill, and every law enacted by the Legislature, shall embrace but one subject—and that shall be described in the title,—and no law or section of law, shall be revived, amended or repealed by reference to its title or section only, and it shall be the duty of the Legislature at the first session after the adoption of this constitution, to appoint two commissioners, learned in the law, to revise and codify the laws of this State, and the said commissioners shall report the said code so formed to the Legislature, within a time to be by it determined, for its approval, amendment or rejection, and if adopted after the

revision and codification of the said laws, it shall be the duty of the Legislature, in amending an article or section thereof, to enact the same as the said article or section would read, when amended; and, whenever the Legislature shall enact any public general law, not amendatory of any section or article in the said code, it shall be the duty of the Legislature to enact the same in articles and section, in the same manner as the said code may be arranged; and to provide for the publication of all additions and alterations which may be made to the said code and it shall also be the duty of the Legislature to appoint one or more commissioners, learned in the law, whose duty it shall be to revise, simplify and abridge the rules of practice, pleadings, forms and proceedings of the courts of record in this State;"

Which was read.

Mr. Dorsey, moved to amend said amendment by striking out after the word "public," the word "general;"

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Gwinn,

Mr. Dent, moved to amend said amendment by adding at the end thereof the following :

"And also simplify and abridge the forms of conveyancing now in use in this State;"

Which amendment Mr. Gwinn accepted.

The question then recurred and was put on the amendment as amended, being a substitute for the 16th section.

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Ricaud, Lee, Chambers, of Kent, Dorsey, Wells, Sellman, Weems, Merrick, James U. Dennis, Williams, Hodson, Goldsborough, Phelps, Tuck, Sprigg, McCubbin, Hearn, Stephenson, McHenry, Nelson, Gwinn, Brent, of Baltimore city, Ware, Fiery, Harbine, Davis, Kilgour, Waters, Anderson, Hollyday, Cockey and Brown—36.

NEGATIVE—Messrs. Buchanan, Bell Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Miller, Bowling, George, Wright, Dirickson, Thomas, Shriver, Biser, Annan, Magraw, Carter, Thawley, Stewart, of Caroline, Schley, Neill, Brewer, Weber, Fitzpatrick, Smith, Parke, Ege and Shower—28.

So the amendment as amended was adopted.

Mr. Chambers, of Kent, moved the Convention adjourn.

Determined in the negative.

Mr. Gwinn, moved to amend said 16th section as amended, by inserting the following to precede said section :

"The style of all laws of this State shall be: 'Be it enacted by the General Assembly of Maryland,' and;"

Mr. Davis, moved that the Convention adjourn ;

Determined in the negative.

The question then recurred and was put upon the adoption of the amendment as offered by Mr. Gwinn, and

Determined in the affirmative.

The said 16th section was then adopted as amended.

On motion of Mr. Morgan,

The Convention adjourned until Monday morning, 12 o'clock.

MONDAY, February 24th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of Friday were read.

The President laid before the Convention the following communication from the Treasurer of the State:

TREASURY, Annapolis, February 22nd, 1851.

Sir: In compliance with the order of the Convention of the 21st inst., "requesting the Treasurer to report to them the amount of money expended in the purchase of Lots, and the erection of Warehouses in the city of Baltimore, for the Inspection of Tobacco; and also to report further whether the purchase of Lots, the erection of Warehouses, and the expenses of Inspection are now, or have been at any time heretofore, a charge upon the Treasury of the State."

The Treasurer reports that the amount of expense incurred in the purchase of Lots and Warehouses, and in the erection of Warehouses, including payments on account of Interest on the several loans which have been negotiated for them and for Insurances and other incidental expenses, is

\$722,994 43
559,304 76

Of which has been paid,

Leaving due a balance of	\$163,689 67
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He further states that none of the expenses either on account of the purchase of Lots, the erection of Warehouses, or of Inspec-

tion are now, or have at any time heretofore been a charge on the Treasury of the State.

Very respectfully, your obedient servant,

D. CLAUDE, Treasurer,

Hon. JNO. G. CHAFMAN, Pres't of Con.

Which was read; and

On motion of Mr. Donaldson,

Referred to the committee on Inspections.

On motion of Mr. Ricaud,

The Convention took up for consideration the report submitted by him on the 21st instant, as chairman of the select committee, to revise the rules ;

The several amendments reported to said rules, having been severally read, were adopted.

On motion of Mr. Ricaud,

The rules as amended were ordered to be printed for the use of the Convention.

On motion of Mr. Brown,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.,

The 18th section having been read,

Mr. Phelps, moved to strike out said 18th section, and substitute in lieu of it the following :

Section 18th, "No bill shall become a law unless it receive the concurrent vote of a majority of the members present in both Houses."

Mr. Weems, moved to amend the 18th section, by striking out these words, "and on the question of its final passage the yeas and nays shall be recorded ;"

Mr. Spencer, moved to amend said 18th section by striking out in the 2nd line, the words "whole number of," and the word "elected ;"

Which amendment Mr. Phelps, accepted.

The question was first put on the motion of Mr. Weems, to strike out the words "and on the question of its final passage, the yeas and nays shall be recorded ;"

Mr. Weems, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Dent, Weems, Lloyd, Phelps, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Shower and Brown—9.

NEGATIVE—Messrs Chapman, Pres't., Morgan, Blakistone,

Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Jenifer, Bell, Ridgely, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, Miller, Tuck, Sprigg, McCubbin, Spencer, George, Dirickson, Jacobs, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith and Parke—51.

So the amendment was rejected.

The question then recurred and was put on the amendment as offered by Mr. Spencer, and accepted by Mr. Phelps, to strike out in the 2nd line, 18th section, the words, "whole number of" and the word "elected ;"

Determined in the negative.

The said 18th section was then adopted.

Mr. Fitzpatrick, gave notice that at the proper time, he should offer the following as an additional section to the report :

"The Legislature shall have power to provide by law, for exempting from execution not more than five hundred dollars worth of the Household furniture or other property belonging to each family in this State ;"

Mr. Sprigg, moved to amend said report by inserting as the 19th section the following :

"The House of Delegates shall have the sole power of impeachment in all cases, but a majority of all the members, must concur in an impeachment ; all impeachments shall be tried by the Senate, and when sitting for that purpose, they shall be on oath or affirmation, to do justice according to the law and evidence, but no person shall be convicted without the concurrence of two-thirds of all the Senators ;"

Mr. McHenry, moved to amend said amendment by striking out the words "two-thirds," and inserting in lieu thereof, "a majority."

Mr. Weems, moved to amend said amendment by inserting after the words "all the members" the word "elected ;"

Pending the question thereon ;

Mr. Neill, moved that this section be passed over informally ;

Determined in the affirmative.

The 19th section in said report was then read.

On motion of Mr. Ridgely,

Said section was amended by inserting after the word "law," in the second line, the following :

"And every such law shall distinctly specify the sum appropriated, and the object to which it is to be applied. "

Mr. Ridgely, moved further to amend said section by adding at the end thereof the following proviso :

“Provided, that nothing herein contained, shall operate to prevent the Legislature from placing by general appropriation a contingent fund at the disposal of the Executive;”

Mr. Spencer, moved to amend said amendment by adding at the end thereof these words, “not exceeding six thousand dollars per year;”

Mr. Spencer, withdrew said amendment.

The question was then put on the amendment as offered by Mr. Ridgely, as a proviso to the end of 19th section, and

Determined in the affirmative.

The question then recurred upon the adoption of the 19th section as amended.

On motion of Mr. Sprigg,

Said section was further amended by adding at the end thereof the following:

“And the Governor shall report to the Legislature at each session, the amount expended and the objects and purposes for which said amount was incurred;”

The said 19th section was then adopted as amended.

The 20th section was then read and adopted.

The 21st section was then read,

Mr. Ridgely, moved to amend said report by striking out the 21st section and substituting in lieu of it the following:

“The credit of the State shall never be given or loaned in aid of any person, association, municipality or corporation, nor shall the Legislature contract any debt, which shall singly, or in the aggregate exceed a half million of dollars, for which purpose a vote of three-fourths of all the members elected to both branches of the General Assembly shall be necessary; provided, that the State may contract debts exceeding that amount to repel invasion, suppress insurrection, and if threatened, to provide for the public defence;”

Which was read.

Mr. George offered as a substitute for said section and substitute, the following:

Article 1. The amount of debts, hereafter contracted by the Legislature, shall never exceed one hundred thousand dollars, except for the defence of the State, unless such debt shall be authorised by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal of such debt within fifteen years from the time of contracting the same. And the taxes laid for this purpose shall never be repealed, or applied to any other object, until the said debt and the interest thereon shall be fully discharged.

Article] 2. The assent of two-thirds of the members elected to each branch of the Legislature, shall be requisite to every bill

appropriating the public money, or pledging the public faith, for local or private purposes ; and the Legislature shall not have the power to make appropriations, loans or subscriptions, to any work of internal improvement ;

Which was read.

Mr. Hodson, gave notice that he should offer at the proper time, the following as a substitute for the 21st section :

“Nor shall the Legislature borrow money for Internal Improvements, without first taking the sense of the people through the ballot box ; and any county or the city of Baltimore, who may cast a majority of votes against the proposition, shall be exempt.”

Mr. Dent, gave notice that on to-morrow, he should move to reconsider the vote of the Convention on the 20th section.

Mr. Tuck, gave notice, that he should offer at the proper time, the following as a substitute for the 24th section :

“No Senator or Delegate of the Assembly, if he shall qualify as such, shall hold or execute any office of profit, or receive the profits of any office, exercised by any other person during the time for which he shall be elected ;”

Mr. Weems, gave notice, that he should offer at the proper time the following as a substitute for the 21st section :

“No bill appropriating money or pledging the faith and credit of the State for works of Internal Improvement, shall become a law, except it be passed by a vote of two-thirds of the whole number of Representatives in each branch of the Legislature.”

Mr. Brewer, also gave notice that he should offer at the proper time, the following, as a substitute for the 21st section :

“Section 21. No loans shall be made upon the credit of this State, which are not redeemable at the pleasure of the State : and which may not be necessary to the payment of the existing public debt ; nor shall any taxes be imposed upon the assessable property of the State, nor upon the inhabitants thereof, for any new schemes of improvement, (or for any other purpose, other than for the current expenses of the State,) except such as may be authorised by an act of Assembly passed at one session by a two-third vote of the two Houses of the Legislature, providing therein for taking the sense of the people thereupon at the next election thereafter, and ratified and confirmed at the next succeeding session of the General Assembly in case a majority of the qualified voters of the State shall have declared in favor of the said act of Assembly.”

On motion,

The Convention then adjourned until to-morrow morning 10 o'clock.

TUESDAY, February 25th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Smith, chairman of the committee on Education, submitted the following report :

Section 1st. A permanent and adequate School Fund shall be established by the Legislature, so soon as the financial condition of the State shall justify it, the present fund for the support of Free and Common Schools, and all money stock and other property which may be hereafter appropriated for that purpose, or received into the Treasury under the provision of any law heretofore passed to augment the said fund, shall be securely invested and remain a perpetual fund, and the income thereof, and be annually appropriated to the support of Public Schools, and it shall not be competent for the Legislature to borrow, appropriate or use the said fund or any part thereof, for any other purpose, under any pretence whatever.

Sec. 2nd. It shall be the duty of the Legislature, so soon as it may be compatible with the provisions of the foregoing section, to establish a uniform system of Common School Education.

Sec. 3rd. There shall be elected by the qualified voters of the State, every year, a Superintendent of Education or Common Schools whose duties and compensation shall be prescribed by the Legislature.

Sec. 4th. For the preparation of Teachers for such Schools, it shall be the further duty of the Legislature to establish a Normal School for the education of persons who may desire to become Teachers of Common Schools, and that each county shall be entitled to its distributive share, according to its present disposition by law.

Which was read, and

On motion of Mr. Smith,

Ordered to be printed.

Mr. Carter, presented an account of James H. Fountain, clerk of Caroline county court, for services rendered under the order of the Convention.

Which was read, and

On motion of Mr. Carter,

Referred to the committee on Accounts.

On motion of Mr. Brown,

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ultimo.

On motion of Mr. Dent,

The 20th section of said report was divided, so that the last paragraph was made the 21st section.

The 21st section in the report was then read.

On motion of Mr. Dorsey,

Said section was amended by striking out in the 1st and 2nd lines these words, "which are not redeemable at the pleasure of the State ;"

The question then recurred upon the amendment as offered by Mr. Ridgely on yesterday, as a substitute for the said 21st section.

Mr. George, moved as a substitute for said section and substitute, the amendment offered by him on yesterday.

Mr. Ridgely, withdrew his amendment.

The question then recurred on the adoption of the amendment as offered by Mr. George.

Mr. John Dennis, moved to amend said amendment by striking out these words, "the amount of debts hereafter contracted by the Legislature shall never exceed one hundred thousand dollars," and insert in lieu thereof, "the Legislature hereafter shall contract no debt ;"

Mr. George accepted this amendment.

Mr. Spencer, moved further to amend said amendment, by striking out these words, in 2nd line, "except for the defence of the State," and inserting in lieu thereof "except in case of war, to repel invasion, and to suppress insurrection ;"

Determined in the negative.

The question then recurred upon the amendment offered by Mr. George, as a substitute for the 21st section.

Mr. Donaldson, offered as a substitute for said section and substitute the following :

"The aggregate amount of debt or liability hereafter contracted by the Legislature shall never exceed the sum of one hundred thousand dollars, except in cases of war, to repel invasions, or suppress insurrections, unless the same shall be authorised by a law for some single object, distinctly specified therein, passed by a vote of two thirds of all the members elected to each branch of the Legislature, which law shall provide ways and means, exclusive of loans, to pay the interest of said debt or liability, and discharge the principal thereof, within twenty years from the passage of the law, but new loans may be made if necessary, and new bonds issued in pursuance of law, for the payment of either principal or interest of the debt now existing ;"

Which was read, and

After debate thereon,

Mr. Brown moved the previous question, that is:

“Shall the main question be now put?” and it was

Determined in the affirmative.

The question was then put on the adoption of the substitute ;

Mr. McHenry, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Merrick, Jenifer, Williams, Goldsborough, Sprigg, McCubbin, Waters and Smith—17.

NEGATIVE—Messrs. Dent, Sellman, Weems, Buchanan, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Hodson, Phelps, Constable, Chambers, of Cecil, Miller, Spencer, Grason, George, Wright, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Fitzpatrick, Parke, Shower and Brown—50.

So the Convention refused to accept the substitute as offered by Mr. Donaldson.

The question then recurred upon the adoption of the substitute, as offered by Mr. George, in the place of the 21st section ;

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered ;

Mr. Donaldson, moved for a division of the question upon each article of said amendment.

The yeas and nays were then taken on the 1st article of said amendment, and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Sellman, Weems, Jenifer, Buchanan, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, Phelps, Chambers, of Cecil, Miller, McCubbin, Spencer, Grason, George, Wright, Thomas, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Weber, Fitzpatrick, Smith, Parke, Shower and Brown—64.

NEGATIVE.—Messrs. Merrick, Constable and Sprigg—3.

So the 1st article as amended was adopted.

The question then recurred upon the 2nd branch of the amendment, being the 2nd article.

Mr. Stewart, of Balt. city, moved for a division of the question

of this article, upon the adoption of the 1st branch of said article to the word "and," in the 4th line.

The yeas and nays were then taken and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Sellman, Weems, Merrick, Jenifer, Buchanan, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Williams, Hodson, Goldsborough, Phelps, Chambers of Cecil, Miller, Sprigg, McCubbin, Spencer, Grason, George, Wright, Hearn, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Waters, Weber, Fitzpatrick, Smith, Shower and Brown—62.

NEGATIVE.—Messrs. Dorsey, Wells, Constable, McHenry, Brewer and Parke—6.

So this branch of the amendment was adopted.

The question then recurred and was put on the last branch of said amendment;

And the yeas and nays being taken appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Sellman, Weems, Merrick, Jenifer, Buchanan, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Williams, Hodson, Phelps, Constable, Chambers, of Cecil, Miller, Spencer, Grason, George, Hearn, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Fitzpatrick, Smith, Parke, Shower and Brown—61.

NEGATIVE.—Messrs. Donaldson, Dorsey, Wells, Kent, Goldsborough, Sprigg, McCubbin and Weber—8.

So the last Branch of said amendment was adopted.

The question then recurred and was put on the adoption of the amendment, as the 21st section, and

Determined in the affirmative.

Mr. McHenry, gave notice that he should on to-morrow, move a reconsideration of the vote of the Convention just taken for the purpose of substituting the following amendment:

Section 21. The General Assembly shall have power to provide by law for borrowing such sums of money as may become necessary to fulfil the obligations of the State, contracted previously to the adoption of this constitution, to defray the expenses of repelling invasion, or of suppressing insurrection, and to meet any temporary deficiency in the revenue, but for no other purposes whatever. All loans made under this authority shall be payable and

paid within twenty years, and those to meet temporary deficiencies within two years from the respective dates thereof.

Sec. 22. The credit of the State shall not, in any manner be given or loaned to, or in aid of any individual, association or corporation.

Sec. 23. This State shall never embark in works of Internal Improvement, nor in pecuniary adventures of any kind.

Mr. Brown, moved the Convention adjourn,

Determined in the affirmative,

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, February 26th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceeding of yesterday were read.

Mr. Smith, from the select committee on New Counties, submitted the following

REPORT:

When that part of Allegany, lying South and West of a line beginning at the summit of Big Back Bone, or Savage Mountain; where the Mountain is crossed by Mason and Dixon's line, and running thence by a straight line to the middle of Savage river, where it empties into the Potomac river, thence by a straight line to the nearest point or boundary of the State of Virginia; then with said boundary to the Fairfax Stone, shall contain a population of ten thousand, and the majority of electors thereof shall desire to separate and form a New County, and make known their desires by petition to the Legislature, the Legislature shall direct at the next succeeding election, that the Judges shall open a book at each election district in said part of Allegany county, and have recorded therein the vote of each elector "for or against," a new county, in case the majority, (or two-thirds) are in favor, the said part of Allegany county, to be declared an

independent county, and the inhabitants whereof shall have and enjoy all such rights, and privileges as are held and enjoyed by the inhabitants of the other counties in this State.

Which was read, and

On motion of Mr. Smith,
Ordered to be printed.

Mr. Herbine, presented a petition of sundry citizens of Washington county, praying that provision may be made in the new constitution, that the privilege to sell intoxicating liquor shall not be granted to any person in any part of the State, except the same shall first be sanctioned, or approved of by a majority of the votes in the election district where the same is to be sold;

Which was read, and

On motion of Mr. Harbine,
Referred to committee No. 14.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ultimo.

Mr. Jacobs, moved to amend said report by inserting as the 22nd section, the following:

“The present financial system of this State, shall remain inviolate until the State debt and interest thereon are fully paid; or the sinking fund be sufficient for the payment thereof, after which the Legislature shall provide by law for the annual distribution amongst the counties and city of Baltimore of this State, of the nett revenues of the several works of Internal Improvements, in the proportion which by taxation they shall have contributed to the same;”

Which was read;

Mr. Donaldson, moved for a division of the question upon said amendment.

Mr. Jenifer, moved to amend the 1st branch of said amendment by inserting after the words “payment thereof,” “except by an act, passed at one session, submitted to the people and re-enacted at the next succeeding session of the Legislature;”

Mr. Merrick, moved to amend the amendment offered by Mr. Jacobs, by striking out in the 2nd line, the word “inviolable,” and inserting “inviolable,” and after the word “sufficient;” in the 4th line, insert “by its regular accumulations,” and after the words “payment thereof,” insert “by the time it becomes redeemable;”

Mr. Harbine, moved the previous question, that is:

“Shall the main question be now put?” and it was

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Merrick.

After debate thereon, and

At 3 o'clock, P. M.,

On motion of Mr. Jacobs,

The Convention adjourned until to-morrow morning 10 o'clock.

THURSDAY, February 27th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Gaither, presented a petition of sundry citizens of Frederick county, praying that an article be inserted in the new constitution compelling all free persons of color, annually to give bond with responsible security to the State of Maryland, for their good behaviour, and in default thereof to leave the State.

Which was read, and

On motion of Mr. Gaither,

Referred to the committee on Colored Population.

Mr. Biser, presented the petition of William H. Shield and 47 other citizens of Frederick county, praying for the erection of a new county, composed of Hauvers, Catoctin, Middletown, Petersburg and Jefferson districts of said county, and the seat of justice to be decided by a majority of the legal voters of the contemplated county;

Which was read, and

On motion of Mr. Biser,

Referred to the committee on New Counties.

Mr. Shriver, presented a petition of one hundred citizens of Catoctin district in Frederick county, protesting against the creation of a new county, from parts of Frederick and Washington counties, &c.;

Which was read, and

On motion of Mr. Shriver,

Referred to the committee on New Counties.

Mr. Neill, submitted the following order :

Which was read,

And moved the previous question.

Ordered, That the committee on Representation be instructed to report articles for the constitution, giving to each of the counties of the State, and to the city of Baltimore a right to elect one Senator to compose the Senate of Maryland, and making a House of Delegates to consist of sixty-one members to be apportioned among the several counties, according to their population, and to the city of Baltimore, a representation not larger than that given to the largest county.

Mr. Chambers, of Kent, moved for a division of the question upon said order;

On motion of Mr. Buchanan,

The Convention was called ;

On motion of Mr. Chambers, of Kent,

Further proceedings under the call was dispensed with.

Mr. Spencer, rose in his seat, and stated that he had pored off with Mr. Dirickson, until Saturday next, being himself engaged with business connected with the Court of Appeals.

The question was then put on the motion of Mr. Neill, for the previous question, that is :

“Shall the main question be now put?” and it was

Determined in the affirmative.

The question was then put on the 1st branch of said order, being in these words :

“Ordered, That the committee on Representation be instructed to report articles for the constitution, giving to each of the counties of the State and to the city of Baltimore, a right to elect one Senator, to compose the Senate of Maryland;”

Mr. Blakistone, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Dorsey, Wells, Kent, Weems, Bond, Sollers, Buchanan, Bell, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, Miller, Tuck, McCubbin, George, McMaster, Fooks, Jacobs, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Neill, Michael Newcomer, Kilgour, Brewer, Waters, and Fitzpatrick—41.

NEGATIVE—Messrs. Merrick, Welch, Chandler, Constable, Chambers, of Cecil, McLane, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Weber, Slicer, Parke, Shower and Brown—26.

So the first branch of the order was adopted.

The question was then taken on the second branch of said order, being in these words, ‘and making a House of Delegates, to consist of sixty-one members;’

The yeas and nays being taken appeared as follows ;

AFFIRMATIVE—Messrs. Dorsey, Wells, Kent, Buchanan, Bell, Welch, Chandler, Ridgely, James U. Dennis, Hodson, Phelps, McMaster, Shriver, Biser, Annan, Sappington, Nelson, Gwinn, Stewart of Baltimore city, Sherwood of Balt. city, Presstman, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick and Parke—31.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Weems, Bond, Sollers, Merrick, Jenifer, Lloyd, Dickinson, Sherwood of Talbot, Colston Crisfield, Dashiell, Williams, Constable, Chambers of Cecil, Miller, McLane, Tuck, McCubbin, George, Wright, Fooks, Thomas, Gaither, Stephenson, McHenry, Magraw, Carter, Thawley, Stewart of Caroline, Kilgour, Waters, Shower and Brown—42.

So the 2nd branch of the order was rejected.

The question was then put on the 3rd branch of the order, being in these words, “to be apportioned among the several counties according to their population;”

The yeas and nays being taken appeared as follows:

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Constable, Miller, McLane, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—33.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Weems, Bond, Sollers, Merrick, Jenifer, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, Chambers, of Cecil, Tuck, McCubbin, George, Wright, McMaster, Fooks, Jacobs, Thomas, Carter, Thawley, Stewart, of Caroline, Davis, Kilgour, Brewer, and Waters—45.

So the 3rd branch of the order was rejected.

The question was then put on the 4th and last branch of said order, being in these words, “and to the city of Baltimore, a representation not larger than that given to the largest county;”

The yeas and nays being taken appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Dorsey, Wells, Kent, Weems, Bond, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, McCubbin, Mc-

Master, Fooks, Jacobs, Sappington, Nelson, Carter, Fiery, John Newcomer, Kilgour and Waters—31.

NEGATIVE.—Messrs. Donaldson, Sollers, Merrick, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Constable, Chambers, of Cecil, Miller, McLane, Tuck, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Neill, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—44.

So the 4th and last branch of said order was rejected.

Mr. Merrick, moved that the Convention reconsider their vote adopting the 1st branch of said order ;

Mr. Merrick, withdrew the motion to reconsider ;

Mr. Thomas renewed the motion to reconsider ;

Mr. Morgan, moved to lay the motion to reconsider on the table; and

Moved for the yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Læ, Chambers, of Kent, Wells, Kent, Weems, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, Tuck, McCubbin, McMaster, Fooks, Jacobs, Sappington, Stephenson, Nelson, Thawley, Kilgour and Waters—32.

NEGATIVE.—Messrs. Donaldson, Buchanan, Bell, Welsh, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Constable, Chambers, of Cecil, Miller, McLane, George, Wright, Shriver, Gaither, Biser, Annan, Magraw, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—40.

So the Convention refused to lay the motion to reconsider on the table.

The question then recurred upon the motion of Mr. Thomas, to reconsider the vote of the Convention adopting the 1st branch of the order;

Mr. Spencer, moved the previous question,

And being seconded, the question was put on the motion of Mr. Thomas, to reconsider the vote of the Convention on the 1st branch of the order, and

Determined in the negative.

Mr. Presstman, then moved that the Convention consent to re-

consider the vote of the Convention adopting the 1st branch of the order ;

Mr. Brown, moved the question be taken by yeas and nays, a to the consent, and appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Kent, Sellman, Merrick, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Constable, Chambers, of Cecil, McLane, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown.—42.

NEGATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Wells, Weems, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, Tuck, McCubbin, McMaster, Fooks, Jacobs, Sappington, Stephenson, Nelson, Thawley, Stewart, of Caroline, Kilgour and Waters—32.

So the Convention consented that the motion to reconsider should be made.

The question then recurred upon the motion of Mr. Presstman, to reconsider the vote of the Convention upon the 1st branch of the order ;

Mr. Stewart, of Caroline, moved the previous question and being seconded,

Mr. Shriver, moved the question on reconsideration be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Sellman, Merrick, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, Colston, Constable, Chambers, of Cecil, Miller, McLane, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—45.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Dorsey, Wells, Kent, Weems, Sollers, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, McCubbin, McMaster, Fooks, Jacobs, Sappington, Stephenson, Nelson, Thawley, Kilgour and Waters—29.

So the Convention agreed to reconsider.

Mr. McHenry, then moved to lay the order on the table.

Determined in the affirmative.

Mr. Morgan gave notice that on to-morrow he should move to

reconsider the 22nd rule, for the purpose of amending the same by striking out these words "nor shall any subject be a second time reconsidered without the consent of the Convention;"

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.,

The question pending before the Convention being on the amendment offered by Mr. Merrick on yesterday, to the amendment offered by Mr. Jacobs;

Mr. Jacobs, withdrew the amendment offered by him on yesterday, and substituted in lieu of it the following:

"The Legislature shall not repeal the taxes now imposed for the payment of the public debt, until the revenues and funds of the State shall be sufficient to ensure its ultimate extinguishment within the period limited for its payment; and when the public debt is paid, the surplus revenues derived from the public works of the State, after defraying the necessary expenses of the government shall be distributed according to the mode provided by the resolution No. 47, of the General Assembly, of December session, passed 1833;"

Which was read.

Mr. Donaldson, moved for a division of the question on each branch of said amendment.

The question was then put on the 1st branch of said amendment, being in these words:

"The Legislature shall not repeal the taxes now imposed for the payment of the public debt, until the revenues and funds of the State shall be sufficient to ensure its ultimate extinguishment within the period limited for its payment;"

Mr. Jenifer, moved to amend the first branch of said amendment by adding at the end thereof these words "except by an act passed at one session, submitted to the people, and re-enacted at the next succeeding session of the Legislature;"

Determined in the negative.

The question then recurred upon the 1st branch of the amendment as offered by Mr. Jacobs.

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone Ricaud, Lee, Chambers, of Kent, Donaldson, Wells, Crisfield, Dashiell, Williams, Hodson, Phelps, Bowling, McMaster, Fooks, Jacobs and Waters—16.

NEGATIVE—Messrs. Morgan, Dent, Hopewell, Sellman, Weems, Sollers, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Constable, Chambers, of Cecil, Miller, McCubbin, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Sap-

pington, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Slicer, Parke, Shower and Brown—52.

So the 1st branch of the amendment was rejected.

The question was then put on the 2nd branch of said amendment being in these words, "and when the public debt is paid, the surplus revenue derived from the Public Works of the State, after defraying the necessary expenses of the government, shall be distributed according to the mode provided by the resolution No. 47, of the General Assembly of December session, passed 1833 ;"

The yeas and nays being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't., Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Sellman, Weems, Bond, Sollers, Colston, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, McMaster, Fooks, Jacobs, Carter, Thawley, Fiery, John Newcomer, Kilgour, Brewer and Waters—30.

NEGATIVE—Messrs. Donaldson, Wells, Buchanan, Bell, Welch. Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Constable, McCullough, Miller, McCubbin, George, Wright, Thomas, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Pressman, Ware, Schley, Neill, Harbine, Michael Newcomer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—39.

So the 2nd and last branch of said amendment was rejected.

Mr. Jacobs, then moved to amend said report by inserting as the 22nd section the following :

"The Legislature shall at its first session after the adoption of this constitution, and from time to time thereafter, diminish by law, the direct taxes of the State, to a minimum, equal only to pay the interest on the present State debt; and no law shall hereafter be passed to raise money by taxation with a view to the payment of any part of the principal of the State debt ;"

Which was read, and

Moved the previous question, and being seconded,

Mr. Jacobs, moved the question be taken by yeas and nays, which were ordered.

Mr. Brewer, moved for a division of the question upon each branch of said amendment, the 1st branch being in these words :

"The Legislature shall, at its first session after the adoption of this constitution, and from time to time thereafter diminish by law, the direct taxes of the State, to minimum, equal only, to pay the interest on the present State debt ;"

The yeas and nays being taken appeared as follows :

AFFIRMATIVE—Messrs. Weems, Bond, Constable, Miller, McMaster, Fooks, Jacobs, Thawley, Michael Newcomer, Brewer, Parke and Shower—12.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Donaldson, Wells, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, McCubbin, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Carter, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Fiery, John Newcomer, Harbine, Waters, Anderson, Weber, Slicer and Fitzpatrick—54.

So the first branch of said amendment was rejected.

The question was then put on the 2nd branch of said amendment being in these words “and no law shall hereafter be passed to raise money by taxation, with a view to the payment of any part of the principal of the State debt.”

Mr. Jacobs, asked to withdraw the last branch of said amendment, but the Chair stated, that the yeas and nays having been commenced being taken by the Clerk, the Convention must proceed in taking the vote.

The yeas and nays being ordered, appeared as follows :

AFFIRMATIVE. —Messrs. Fooks and Jacobs—2.

NEGATIVE.—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Wells, Sellman, Weems, Sollers, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Phelps, Miller, McCubbin, Grason, George, Wright, McMaster, Hearn, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Weber, Slicer, Fitzpatrick and Brown—65.

So the 2nd and last branch of said amendment was rejected.

The 22nd section was then read and adopted.

The 23rd section was then read;

On motion of Mr. Presstman,

The 23rd section was passed over informally.

The 24th section was then read the second time,

On motion of Mr. McCubbin,

The 24 section was passed over informally.

The 25th, 26th, 27th, 28th, 29th, 30th and 31st sections were severally read and adopted.

The 32nd section was then read ;

On motion of Mr. Phelps,

The blank in said section was filled with "ninety."

Mr. Chambers, of Kent, moved to amend said section, by adding at the end thereof, these words, "in such mode as the Legislature may direct ;"

Mr. Ridgely, moved to amend said section by striking out the last paragraph in said section, being in these words :

"And no law of a public nature shall take effect until the same shall be published ;"

The question was first put on the amendment offered by Mr. Chambers, of Kent, and

Determined in the affirmative.

Mr. Ridgely, then withdrew the amendment offered by him.

On motion of Mr. Stewart, of Caroline,

Said section was further amended by striking out in the 4th line the words "or after ;"

The said 32nd section was then adopted as amended.

The 33rd section was then read ;

Mr. Sollers, moved to amend said section by adding at the end thereof, these words, "unless such person shall have been pardoned by the Executive ;"

Determined in the affirmative.

Mr. Stewart, of Caroline, moved further to amend said section by striking out in the 2nd line, these words, "the privilege of voting at elections, or of ;"

Mr. Chambers, of Kent, moved to amend said section by striking out in the 2nd and 3rd lines, these words, "being elected to either House, or of being elected or appointed to," and inserting in lieu thereof "holding ;"

Determined in the affirmative.

Mr. Constable, moved further to amend said section by striking out in the last line thereof, the words "infamous crime," and inserting in lieu thereof, the word "felony ;"

Determined in the affirmative.

The question then recurred upon the amendment as offered by Mr. Stewart, of Caroline, to Strike out in the 2nd line, these words "the privilege of voting at elections, or of ;"

Determined in the negative.

On motion of Mr. Brent, of Baltimore city,

Said section was amended by inserting after the word "person" in the 4th line, these words, "who may thereafter be ;"

The said section was then adopted as amended.

Mr. McHenry, gave notice that on to-morrow he should move to reconsider the 21st section of the report.

On motion of Mr. Sollers,

The Convention then adjourned until to-morrow morning 10 o'clock.

FRIDAY, February 23th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceeding of yesterday were read.

The President laid before the Convention the following communications from His Excellency the Governor of Alabama.

EXECUTIVE CHAMBER,

Montgomery, Ala., February 18th, 1851.

Hon. J. G. CHAPMAN,

Sir :—I have the honor to acknowledge the receipt of yours of the 12th of December, with the accompanying "Report of the committee of the Maryland Reform Convention, on the late acts of Congress, forming the compromise, &c." Maryland has spoken frankly and patriotically; I sincerely hope her voice may receive a harmonious response from the North, the East and West—the South will be true to the Union so long as the "sacred charter of our rights," is respected and honored, and the general government manifests a willingness and ability—"to enforce the laws made for our protection."

I have the honor to be, with great respect, your most obedient servant,

H. W. COLLIER,

EXECUTIVE CHAMBER,

Montgomery, Alabama, February 1851

Hon. J. G. CHAPMAN,

Sir :—During my absence from the Seat of Government, your letter of the 25th of November was laid upon my table, instead of being sent to my residence, Tuscaloosa, as my Secretary should

have done; and consequently did not meet my eye until within the last week. I now answer it as a mere apology for mee seeming neglect.

Our educational system may be seen by a reference to the laws of Alabama, which are deposited in the Department of State, of the several States. We have a University endowed with \$250,000, 6 per cent State stock, a small annual revenue from rents, &c.

We have a 16th section school fund, amounting to more than a \$1000,000, invested in 6 per cent State stock. This fund being in common, but to the townships in proportion to the sum at which their respective sixteenth section, sold, is doing but little good, especially in the poor districts where it is most needed.

In Mobile and the larger towns, the common school system of education, if properly managed succeeds very well, but in the sparsely populated parts of the State, it has not hitherto promised very beneficial results.

The lands given us by Congress, for the establishment of a "Seminary of Learning," have not yielded one-half the sum at which they could have been sold, owing to the unwise and extraordinary legislation in respect to them. But the fund is now well secured. The same remark will apply to many of the 16th sections.

I am sure this information will be worth nothing to the Convention, even if it had not adjourned—even as matter of history, it is hardly worth reading.

With great respect, I have the honor to be your obed't servant,
H. W. COLLIER.

Which were severally read.

The President also laid before the Convention a petition from sundry citizens of Washington county, praying that provision may be made in the new constitution, that the privilege to sell intoxicating liquor shall not be granted to any person in any part of the State, except the same shall first be sanctioned or approved of by a majority of the votes in the district where the same is to be sold.

Which was read, and

Referred to committee No. 14.

Mr. Dorsey, moved that committee No. 14, be discharged from the further consideration of the several petitions referred to said committee on the subject of the License Laws, and that the same be referred to a select committee to be appointed by the Chair.

Determined in the affirmative.

The President also laid before the Convention a report from the clerk of the Levy court of Kent county, in relation to the fees allowed the Attorney General and his Deputies by said county.

Which was read, and

Referred to the committee appointed on the Attorney General and his Deputies.

The Convention resumed the consideration of the order of the day being the report submitted by Mr. Johnson, Chairman of the committee on the Legislative Department, on the 25th ult.

On motion of Mr. Dorsey,

The Convention reconsidered their vote upon the 27th section of said report.

On motion of Mr. Dorsey,

Said 27th section was amended by striking out in the 2nd line the words "breach of the peace," and inserting in lieu thereof "other criminal offence;"

The said section was then adopted as amended.

On motion of Mr. Dorsey,

The Convention reconsidered their vote on the 30th section of said report.

On motion of Mr. Dorsey,

Said section was amended by striking out in 2nd line the word "district," and inserting "city, and in the 1st line after the word "disqualification," inserting "resignation," and in the 4th line by inserting the word "such," between the words "more," and "qualified;"

On motion Mr. Dorsey,

Said section was further amended by striking out from the word "issued" in the 5th line, to the end of said section, and inserting in lieu thereof, the following:

"By the Speaker, of the House of Delegates or President of the Senate, as the case may be, for the election of another person in his place, and in case of such resignation or refusal to act, being communicated in writing to the Governor, by the person making it, or such death occur during the Legislative recess and more than ten days before its termination, it shall be the duty of the Governor, to issue a warrant of election to supply the vacancy, thus created in the same manner that the said Speaker or President might have done during the session of the Legislature, of which election not less than ten days notice shall be given, exclusive of the day of the publication of the notice and of the day of election; Provided, however, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for delegates and senators."

The said 30th section as amended was then adopted.

On motion of Mr. Dorsey,

The 31st section was reconsidered, and amended by striking out the words "the general," and inserting "their elections;"

The said section was then adopted as amended.

Mr. Doisey, moved to reconsider the 33rd section of said report;

Determined in the negative.

On motion of Mr. Morgan,

The Convention postponed the consideration of the order of the day, and took up for consideration, the motion submitted by him on yesterday to reconsider the 22nd rule;

On the question being put on reconsideration, it was

Determined in the affirmative.

On motion of Mr. Morgan,

Said 22nd rule was then amended by inserting after the word "reconsidered," in the 4th line, the words "on the same day;"

The said 22nd rule was then adopted as amended.

The Convention again resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department.

On motion of Mr. John Newcomer,

The Convention reconsidered their vote upon the 31st section.

Mr. John Newcomer then moved to amend said report by striking out the 31st section, and substituting in lieu thereof the following:

"The members of the Legislature shall receive three dollars per diem, as a compensation for their services, and the sum of one dollar for every ten miles they shall travel, once going to, and once returning from their place of meeting, on the most usual route. No book or other printed matter not appertaining to the business of the session shall be subscribed for, for the use of the members or to be distributed among them."

Which was read.

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Mitchell, Bell, Sappington, Stephenson, Nelson, Thawley, Hardcastle, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Slicer and Parke.—14.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Sellman, Weems, Bond, Jenifer, Buchanan, Welch, Chandler, Ridgely, Lloyd, Colston, James U. Dennis, Crisfield, Phelps, Chambers, of Cecil, Miller, McLane, Giason, Wright, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, McHenry, Gwinn, Brent, of Balt. city, Sherwood, of Baltimore city, Presstman, Ware, Kilgour, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Shower and Brown.—51.

So the amendment was rejected.

Mr. Presstman, moved to amend said section by inserting after the word "law," where it first occurs in the 2nd line, the following:

"And that each county of the State and the city of Baltimore, shall defray the per diem and mileage of the members of the General Assembly elected, by said county or city, in a manner to be provided by law ;"

Determined in the negative.

Mr. Grason, moved to amend said 31st section by striking out the first four lines in said section to the word "thereof" inclusive, and inserting in lieu thereof the following:

"The Senators and Delegates shall receive a per diem of four dollars, and such mileage as may be allowed by law."

Determined in the affirmative.

Mr. Grason, moved further to amend said 31st section, by inserting in the 5th line after the words "shall be," the words "purchased or ;"

Determined in the affirmative.

The question then recurred upon the adoption of the section as amended;

Mr. Harbine, moved to reconsider the vote of the Convention on the amendment offered by Mr. Grason, and just adopted, for the purpose of offering the following amendment:

Strike out the words "such mileage as may be allowed by law," and insert in lieu thereof "the sum of one dollar for every ten miles they shall travel in and going to and once returning from their place of meeting, on the most usual route;"

On the question being put,

"Will the Convention reconsider their vote on said amendment, it was

Determined in the negative.

Mr. Dent, moved to amend said 31st section, by striking out the last paragraph in said section, from the word "thereof," in the 4th line;

Determined in the negative.

The question again recurred and was put upon the 31st section as amended, and

Determined in the affirmative.

On motion of Mr. Thomas,

The Convention proceeded to the consideration of the 9th section of said report which had been passed over informally.

Mr. Chandler, then moved to amend said 9th section of said report, by striking out these words:

"No Priest, Clergyman or Teacher of any religious persuasion, society or sect, and ;"

Determined in the negative.

On motion of Mr. Chandler,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Bond, Buchanan, Bell, Welch, Chandler, Colston, Fooks, Shriver, Biser, McHenry, Thawley, Stewart of Caroline, Hardcastle, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Weber and Parke—22.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Sellman, Weems, Merrick, Jenifer, Ridgely, Lloyd, James U. Dennis, Crisfield, Dashiell, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Grason, George, Wright, McMaster, Hearn, Jacobs, Gaither, Sappington, Stephenson, Nelson, Gwinn, Sherwood of Balt. city, Ware, Hollyday, Slicer, Fitzpatrick, Shower and Brown—44.

So the amendment was rejected.

The said 9th section was then adopted.

Mr. McHenry, in accordance with the notice given by him on yesterday, moved to reconsider the vote of the convention on the 21st section in the report.

Mr. Kilgour, moved for a call of the convention ;

Which motion was not sustained.

The question then recurred on the motion to reconsider ;

Mr. Merrick, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Sellman, Weems, Bond, Merrick, Jenifer, Buchanan, Bell, Colston, James U. Dennis, Crisfield, Phelps, Constable, Chambers of Cecil, Miller, George, Jacobs, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Car., Gwinn, Presstman, Michael Newcomer, Kilgour, Hollyday, Parke and Brown—44.

NEGATIVE.—Messrs. Lee, Ridgely, Lloyd, Grason, Wright, McMaster, Fooks, Gaither, Hardcastle, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Brewer, Weber, Slicer, Fitzpatrick, Shower and Cockey—19.

So the Convention reconsidered their vote on said section.

Mr. Merrick, then moved to amend said 21st section by adding at the end thereof the following :

“But it shall be competent for the Legislature at any time, when it can do so, to pay off its outstanding bonds or any part thereof, by an issue of other bonds or stocks bearing a less rate of interest and for no greater amount than the amount redeemed or paid off;”

Which was read.

Mr. Constable, moved to strike out the 21st section and substitute in lieu of it the following :

1. The Legislature shall have no power to contract debts or borrow money except to repel invasion or suppress insurrection.

2. They shall have no power to authorise any subscription on the part of the State to the capital stock or shares of any canal, rail road, plank road, turnpike, banking, exchange, insurance, manufacturing or mining corporation, or of any other corporation or association whatsoever; nor shall they invest or embark any of the funds of the State, either directly or indirectly, in any trade, business or adventure of mining, manufacturing, commercial and marine, or of any other description whatsoever.

3. They shall not be authorised to loan the credit of the State, in any form or for any purpose whatsoever.

4. They shall have no power to appropriate money for any purpose, or to any object for which they are not authorised to raise the sum so appropriated by a general State tax.

5. They shall be authorised to impose State taxes for the following purposes, and none other whatsoever : For the defence of the State, payment of the principal and interest of the public debt, to defray the necessary expenses of the government, for the improvement and preservation of the public property, and for the establishment of a uniform system of Public Schools throughout the State, adequately endowed to educate every white child within its limits.

6. They shall have no power to except from the operation of any law, imposing a general State tax, any other property than that owned by the State, or by a county, city, or other municipal corporation and burial grounds; nor shall they by law or otherwise enter any contract or other expedient or devise to exempt, or which shall operate as an exemption or suspension, wholly or partially of any other property, or body corporate, or of any person worth over two hundred dollars, from contribution, rateably and equally to such general tax, according to his or its actual worth in real or personal property.

Which was read.

Mr. McHenry, moved to postpone the consideration of the 21st section and the amendments until Tuesday next, the 4th of March;

Determined in the affirmative.

The 34th section was then read;

Mr. Phelps, moved to amend said section by filling the blank in said section with these words, "the levy court or commissioners of the tax, as the case may be ;"

Mr. Presstman, moved to strike out the 34th section ;

Mr. Phelps, withdrew the amendment offered by him.

The question then recurred upon the motion of Mr. Presstman, to strike out the 34th section;

Pending the question on this motion,
 Mr. Gwinn, moved the Convention adjourn,
 Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

SATURDAY, March 1st, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

On motion of Mr. Spencer,

The Journal of Thursday, the 20th ult., on page 347, the substitute submitted by Mr. Spencer, for the 16th section of the report of the committee on the Legislative Department, was corrected by inserting after the word "done," in the 6th line, the word "and," and by striking out the word "and," in the 9th line, and in the 11th line, strike out "and," between the word "rules," and "practice," and insert the word "of;"

The President announced the appointment of the following committee under the order adopted on yesterday, relative to the "License Laws." Messrs. Dorsey, Harbine, Fooks, Wright, Dent, Weber and Dashiell;

On motion of Mr. Dorsey,

He was excused by the Convention from serving on said committee.

The President substituted Mr. Donaldson, in place of Mr. Dorsey, who was excused.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department;

The question pending before the Convention on yesterday, being on the motion of Mr. Presstman, to strike out the 34th section.

Mr. Thomas, moved as a substitute for said section the following :

"The General Assembly may provide for the election or appointment of such county officers as may be required, and are not

wholly authorised by this constitution, and prescribe their powers and duties; but their tenure of office, mode of appointment, and the character of their powers and duties shall be uniform throughout the State ;”

Which was read.

Mr. Merrick, offered as a substitute for said section, the following :

“The levy courts or commissioners of the several counties of the State, shall be elected by general ticket and not by districts by the voters of the respective counties, and said commissioners shall exercise such powers and duties only as the Legislature may prescribe, but such powers and duties shall be uniform throughout the State—and the General Assembly may provide for the election or appointment of such other county officers as may be required, and are not provided for by this constitution, and prescribe their powers and duties, but their tenure of office, their powers and duties and mode of appointment shall be uniform throughout the State;”

Which was read.

Mr. Thomas accepted this substitute.

The said amendment having been read ;

Mr. Chambers of Kent, moved to amend said amendment by striking out the words “or commissioners ;”

Determined in the negative.

Mr. Crisfield, moved to amend said amendment by striking out the words “levy courts, or;”

Mr. Ridgely, moved to amend said amendment, by striking out these words: “The levy courts or commissioners of the several counties of the State,” and inserting in lieu thereof, the following :

“That the county authorities now known as levy courts or county commissioners, shall hereafter be styled commissioners, and ;”

This amendment Mr. Thomas accepted.

Mr. Crisfield, withdrew his amendment.

The question then recurred on the adoption of said amendment ;

Mr. McMaster, moved to amend said amendment by striking out these words, “by general ticket and not ;”

Mr. Wright, moved the previous question ;

Which was not seconded.

Mr. McHenry, moved to amend the 34th section in the report, by inserting after the words “General Assembly,” the words “shall pass no special or local act, but,” and by filling the blank in the 1st line, with the words “local authorities,” also insert before the word “powers” in the 2nd line, the word “additional ;”

Determined in the negative.

The question then recurred and was put upon the amendment as offered by Mr. McMaster, to the amendment offered by Mr. Merrick, as a substitute for the 34th section and accepted by Mr. Thomas ;

Determined in the negative.

Mr. McMaster, moved for the yeas and nays ;

Which motion was not sustained.

Mr. Davis, moved to amend said amendment by adding at the end thereof, the following proviso :

“Provided, This article shall be so construed as not to prevent the Legislature from passing any law or laws to open public roads when two or more counties are interested.”

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Merrick, and amended on the motion of Mr. Ridgely ;

Mr. Weems, moved for a division of the question on said amendment ;

The question was then put on the first branch of said amendment, being in these words :

“That the county authorities now known as levy courts, or county commissioners, shall hereafter be styled commissioners ;”

Determined in the affirmative.

The question was then put on the second branch of the amendment, being in these words:

“And shall be elected by general ticket, and not by districts by the voters of the respective counties ;”

Mr. Dorsey, moved for the yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Sellman, Weems, Bond, Merrick, Buchanan, Bell, Welch, Ridgely, Lloyd, Colston, Crisfield, Dashiell, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Grason, George, Wright, Hearn, Thomas, Shriver, Gaitber, Biser, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Sherwood, of Baltimore city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Weber, Hollyday and Shower—52.

NEGATIVE—Messrs. Donaldson, Dorsey, Wells, Randall, Kent, James U. Dennis, Bowie, McMaster, Fooks, McHenry and Slicer—11.

So the 2nd branch of said amendment was adopted.

The question was then put on the 3rd and last branch of said amendment, being in these words :

“And said commissioners shall exercise such powers and duties only as the Legislature may prescribe, but such powers and duties shall be uniform throughout the State, and the General Assembly may provide for the election or appointment of such other county officers as may be required, and are not provided for by this constitution, and prescribe their powers and duties, but their tenure of office, their powers and duties and mode of appointment shall be uniform throughout the State;”

Determined in the affirmative.

The said amendment was then adopted as a substitute for the 34th section of the report.

The 35th section was then read,

On motion of Mr. Grason,

Said section was amended by striking out all of said section to the word “Houses,” inclusive, in the 5th line, and inserting in lieu thereof the following :

“Every bill when passed by the General Assembly, and sealed with the great seal, shall be presented to the Governor, who shall sign the same in the presence of the presiding officers and chief clerks of the Senate and House of Delegates.”

The said 35th section was then adopted as amended.

The 36th section was then read and adopted.

The 37th section was then read.

Mr. Prestman, moved to strike out the 37th section ;

Mr. Dorsey, moved to amend said section by adding at the end thereof the following proviso :

“Provided, such amendment, alteration or repeal be not inconsistent with the fundamental principles of natural justice and right, or the provisions of the constitution of the United States, or of the State of Maryland ;”

Determined in the affirmative.

The question then recurred and was put on the motion of Mr. Prestman, to strike out the 37th section ; and

Determined in the affirmative.

Mr. Phelps, then moved to amend said report by inserting as the 37th section, the following :

“Section 37th. Any citizen of this State who shall after the adoption of this constitution fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either in or out of the State, or who shall act as second, or knowingly aid or assist in any manner those offending, shall be deprived of holding any office of trust or profit under this State ;”

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Dent, Lee, Cham-

bers of Kent, Donaldson, Randall, Kent, Bell, Ridgely, James U. Dennis, Crisfield, Dashiell, Phelps, McMaster, Hearn, Fooks, Shriver, Gaither, Biser, Stephenson, Thawley, Hordcastle, Sherwood of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Weber and Slicer—32.

NEGATIVE —Messrs. Blakistone, Hopewell, Ricaud, Mitchell, Dorsey, Wells, Weems, Bond, Merrick, Buchanan, Welch, Lloyd, Colston, Constable, Chambers, of Cecil, Bowie, Grason, Wright, Thomas, Sappington, McHenry, Gwinn, Brent, of Balt. city, Prestman, Kilgour and Hollyday—26.

So the amendment was adopted.

Mr. Phelps, moved further to amend said report, by inserting as the 38th section thereof, the following :

“Section 38th. No lottery grant shall ever hereafter be authorised by the Legislature of this State;”

Determined in the affirmative.

Mr. Phelps, moved further to amend said report by inserting as the 39th section of said report, the following :

“Sec. 39th. All property both real and personal of the wife, owned or claimed by her before marriage, and that acquired by gift, devise or descent, shall be her separate property, and laws shall be passed by the Legislature, more clearly defining the rights of the wife in relation to her separate property;”

Mr. Harbine, moved to amend said amendment by striking out in the 2nd line, the words “or claimed;”

Mr. Phelps accepted this amendment.

The said amendment was then adopted as amended.

Mr. Dorsey, moved to reconsider the vote of the Convention just taken on this amendment;

Determined in the affirmative.

Mr. Crisfield, moved as a substitute for said amendment the following :

“The General Assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death;”

Which amendment Mr. Phelps accepted.

The said amendment was then adopted as the 39th section in said report.

Mr. Gwinn moved further to amend said report by adding at the end thereof as an additional section the following :

“The Mayor and City Council of Baltimore, shall have the exclusive right to open and close all streets lanes and alleys within the limits of the said city; but nothing in this section shall be construed to prevent the Legislature from passing any general law directing the process which shall be had in such cases, or from

prescribing a general rule of compensation to the parties who may be injured thereby;"

Which was read.

Mr. Bell, moved to amend said amendment by adding at the end thereof the following proviso :

"Provided, that all persons in the city petitioning for opening or closing such streets, lanes or alleys, shall pay all the expenses that may accrue for the same;"

Mr. Ridgely, moved to postpone the consideration of said section and amendment;

Determined in the affirmative.

Mr. Fitzpatrick, moved to amend said report by adding at the end thereof as an additional section the following :

Sec. 41st. The Legislature shall at the second session after the adoption of this constitution, provide by law for exempting from execution not more than five hundred dollars worth of the household furniture, or other property belonging to each family in this State;"

Pending the question on this amendment,

Mr. Ricaud, moved the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 10 o'clock.

MONDAY, March 3rd, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The Proceedings of Saturday were read.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department.

The question pending before the Convention on Saturday, being on the amendment offered by Mr. Fitzpatrick, as an additional section in the report.

Mr. Stewart, of Caroline, moved to amend said amendment by striking out the word "five," and inserting in lieu thereof "seven;"

Mr. McMaster, moved to amend said amendment by striking out "five," and inserting "one ;"

Mr. Shriver, moved for a division of the question upon striking out, and

Determined in the negative.

Mr. Stewart, of Caroline, withdrew the amendment offered by him, and moved to amend said amendment by striking out the words "not more than ;"

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Fitzpatrick.

Mr. McMaster, offered as a substitute for said amendment, the following:

"That the Legislature shall at the second session after the adoption of this constitution, provide by law for the exemption from execution of one hundred dollars worth of Household Furniture or other property belonging to each family in this State ;"

Determined in the negative.

The question again recurred upon the amendment as offered by Mr. Fitzpatrick ;

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakiston, Dent, Hopewell, Weems, Bond, Merrick, Buchanan, Bell, Ridgely, Dashiell, Constable, Chambers, of Cecil, McLane, Shriver, Gaither, Biser, Annan, Stewart, of Caroline, Sherwood, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, and Smith—28.

NEGATIVE—Messrs. Chapman, Pres't, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Jenifer, Welch, Colston, James U. Dennis, Crisfield, Hicks, Phelps, Sprigg, Grason, Wright, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Hollyday and Slicer—31.

So the amendment was rejected.

Mr. Brent, of Baltimore city, then moved to amend said report, by adding at the end thereof as an additional section the following:

"In all cases where the head of a family shall die or become insolvent owning a dwelling house or homestead furniture in a dwelling house or other property, not exceeding hundred dollars, said house, homestead furniture or other property shall be exempt from administration or liability to creditors, but shall thereupon belong in equal parts to the family of said deceased or insolvent, and in the event that said dwelling house, homestead furniture or other property, shall exceed the value of

dollars, then there shall be a preferred lien on the said property to the amount of dollars for the equal benefit of his or her said family ;”

Which was read.

Mr. Brent, of Baltimore city, moved further to amend said amendment, by filling the blank with “five,”

Determined in the negative.

Mr. John Newcomer, moved to fill the blank with “three;”

Mr. Hicks, moved to fill the blank with “two thousand ;”

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Chambers of Kent, Bond, Crisfield, Hicks, Phelps, Hearn, Fooks and Gaither—8.

NEGATIVE.—Messrs. Chapman, Pres’t, Blakistone, Dent, Hopewell, Lee, Mitchell, Donaldson, Dorsey, Wells, Weems, Jenifer, Buchanan, Bell, Ridgely, Colston, James U. Dennis, Dashiell, Constable, Chambers, of Cecil, McLane, Sprigg, Bowling, Gason, Wright, McMaster, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—49.

So the amendment was rejected.

Mr. Weems then moved to fill the blank with “six ;”

Mr. Crisfield, moved the question be taken by yeas and nays,

Mr. Fiery, moved to lay said ameddment on the table ;

Mr. Brent, of Balt. city, moved the question to lay on the table be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres’t, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Buchanan, Colston, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, George, Wright, McMaster, Hearn, Fooks, Jacobs, Gaither, Sappington, Stephenson, Thawley, Hardcastle, Stewart, of Baltimore city, Sherwood, of Baltimore city and Ware—27.

NEGATIVE.—Messrs. Blakistone, Dent, Hopewell, Lee, Weems, Bond, Merrick, Jenifer, Bell, Ridgely, Constable, Chambers, of Cecil, McLane, Bowling, Shriver, Biser, Annan, Stewart, of Caroline, Gwinn, Brent, of Baltimore city, Presstman, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—31.

So the Convention refused to lay the amendment on the table.

The question then recutred and was put on the motion of Mr. Weems, to fill the blank with “six,” and

Determined in the negative.

Mr. Thawley, moved to fill the blank with "fifty ;"

The question then recurred upon the motion of Mr. John Newcomer, to fill the blank with "three," being the largest number.

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Weems, Bond, Merrick, Jenifer, Bell, Ridgely, James U. Dennis, Constable, Chambers, of Cecil, McLane, Sprigg, Bowling, Shriver, Gaither, Biser, Annan, Stephenson, Gwinn, Brent, of Balt., city, Sherwood, of Balt., city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—34.

NEGATIVE—Messrs. Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Buchanan, Colston, Crisfield, Dashiell, Hicks, Phelps, Grason, Wright, McMaster, Hearn, Fooks, Jacobs, Sappington, Thawley, Stewart of Balt., city, and Presstman—22.

So the amendment was adopted by filling the blank with "three."

The question then recurred on the amendment as amended ;

Mr. McMaster, moved to amend said amendment, by striking out the words "administrator or ;"

Mr. Gwinn, moved as a substitute for said amendment, the following ;

"The Legislature shall provide for the exemption of property, real and personal, belonging to any person dying insolvent, or taking the benefit of the insolvent laws, to an amount not exceeding three hundred dollars, from the proceedings of creditors, and in case of such dying insolvent, or of insolvency during life, the said property so exempted shall go in the first instance to the wife or widow, and then, according to its nature, go as now directed by the statutes of descent, or distribution ; provided, always, that the provisions of this section shall only apply to a father, mother, sister, brother, husband, or wife, or child, or grand child of the said person so dying or becoming insolvent ;"

Which was read.

Mr. Brent, of Balt., city, withdrew the amendment offered by him, and substituted in lieu of it, the following :

"In all cases where the head of a family shall die or become insolvent, owning a dwelling house or homestead furniture, or other property, or where an execution is levied upon the property of any debtor, the said house, homestead furniture or other property shall be exempt from administration or liability to, or seizure by creditors; provided, said property, real or personal, does not exceed the sum of _____ in value, but the same shall thereupon belong in equal parts to the wife and descendants of said descendant or debtor, and in the event that said property shall exceed the sum of _____ in value, then there shall be a prefer-

red lien on said property to the amount of dollars, for the equal benefit of the said widow or descendants; provided, nothing herein shall affect creditors existing at the time of the adoption of this constitution ;”

Which was read.

Mr. Jenifer, moved to lay said amendments and substitute on the table ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Jenifer, Ridgely, Colston, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, Sprigg, Bowling, Wright, McMaster, Hearn, Fooks, Jacobs, Gaither, Thawley, Hardcastle, Stewart, of Baltimore city, Presstman and Ware—29.

NEGATIVE—Messrs. Blakistone, Dent, Hopewell, Weems, Bond, Buchanan, Bell, Welch, Chambers, of Cecil, Grason, Shriver, Biser, Annan, Sappington, Stephenson, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—29.

So the Convention refused to lay the amendments and substitute on the table.

The question was then put on the amendment as offered by Mr. McMaster, to strike out the words, “administrator or,” and

Determined in the negative.

Mr. Ridgely, offered as a substitute for said amendment and substitute the following :

“Laws shall be passed by the Legislature to protect from execution, a reasonable amount of property of a debtor ;”

Which was read.

On the question being put,

“Will the Convention accept said substitute ?”

Mr. Brent, of Baltimore city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Merrick, Bell, Welch, Ridgely, Colston, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, Sprigg, Bowling, Wright, McMaster, Hearn, Fooks, Gaither, Sappington, Stephenson, Thawley, Stewart of Caroline, Hardcastle, Stewart, of Baltimore city, Sherwood, of Balt. city, Presstman, Ware and Kilgour—37.

NEGATIVE.—Messrs. Dent, Ricaud, Bond, Jenifer, Buchanan, Grason, Jacobs, Shriver, Biser, Annan, Gwinn, Brent, of Baltimore city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Slicer and Smith—20.

So the substitute was accepted.

Mr. Donaldson, then moved to lay said amendment on the table ;

Mr. Kilgour, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Merrick, Jenifer, Hicks, Phelps, Sprigg, Wright, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan and Prestman—18.

NEGATIVE.—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Ricaud, Lee, Weems, Bond, Buchanan, Bell, Welch, Ridgely, Colton, James U. Dennis, Crisfield, Dashiell, Bowling, Geason, Shriver, Biser, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—39.

So the Convention refused to lay the amendment on the table.

The question then recurred on the adoption of the amendment.

Mr. Dent, offered as a substitute for said amendment, the following :

“The Legislature at its first session after the adoption of this Constitution, shall make some provision by law, exempting a reasonable amount of the property of the heads of families from seizure or sale for the payment of any debt, or liability thereafter ;

Mr. Hearn, moved to amend said substitute by striking out the word “shall,” and inserting in lieu thereof “may ;”

Determined in the negative.

The question then recurred on the adoption of the substitute as offered by Mr. Dent ;

Mr. Prestman, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Blakistone, Dent, Hopewell, Chambers, of Kent, Mitchell, Donaldson, Jenifer, Colston, Sprigg, Bowling, McMaster, Hearn, Fooks, Stephenson, Gwinn, Sherwood of Balt. city, Schley, Fiery, John Newcomer, Harbine and Michael Newcomer—21.

NEGATIVE.—Messrs. Chapman, President, Lee, Dorsey, Wells, Randall, Weems, Bond, Merrick, Buchanan, Bell, Ridgely, Sherwood of Talbot, James U. Dennis, Crisfield, Dashiell, Hicks, Phelps, Chambers, of Cecil, McLane, Grason, Wright, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Thawley, Stewart, of Caroline, Stewart, of Balt. city, Brent, of Balt. city, Prestman, Kilgour, Weber, Hollyday, Slicer and Smith—34.

So the Convention refused to accept said substitute.

The question then recurred on the adoption of the amendment as offered by Mr. Ridgely ;

Mr. Randall, offered as a substitute for said amendment the following :

“That the Legislature shall pass such laws as may be required to secure to the widow and infant children of deceased debtors, out of their personal estate, some provision for their support in preference to creditors ;”

Which was read.

On the question being put,

“Will the Convention accept said substitute ? it was

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Ridgely,

Mr. Ridgely, moved the previous question, and being seconded,

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone, Hope-well, Lee, Weems, Bond, Bell, Ridgely, Colston, James U. Dennis, Crisfield, Dashiell, Chambers, of Cecil, Bowling, Grason, Shriver, Gaither, Biser, Sappington, Stephenson, Thawley, Stewart of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Schley, Fieri, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer and Smith—35.

NEGATIVE—Messrs. Dent, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Merrick, Jenifer, Buchanan, Welch, Hicks, Phelps Sprigg, Wright, McMaster, Hearn, Fooks, Jacobs, Annan, Stewart, of Balt. city and Presstman—22.

So the amendment was adopted.

Mr. Mitchell, gave notice that on to-morrow, he should move to reconsider the amendment just adopted.

On motion of Mr. Merrick,

The Convention adjourned until to-morrow morning 10 o’clock.

TUESDAY, March 4th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The roll having been called, and it being ascertained that a quorum was not present.

Mr. Michael Newcomer, moved the Sergeant-at-Arms be sent after the absent members to enforce their attendance ;

Determined in the negative.

On motion of Mr. Michael Newcomer,
The Convention was called, and

A quorum being present,

The proceedings of yesterday were read.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department, on the 25th ult.,

Mr. Ridgely, moved the Convention reconsider their vote on the amendment offered by him on yesterday, and adopted by the Convention as an additional section to the report.

Mr. Ware, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Weems, Buchanan, Bell, Welch, Ridgely, Lloyd, Colston, James U. Dennis, Dashiell, Chambers, of Cecil, Miller, McLane, Grason, Wright, Shriver, Gaither, Annan, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Shower, Cockey and Brown—34.

NEGATIVE—Messrs. Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Jenifer, Hicks, Bowie, Sprigg, McMaster, Hearn, Fooks, Biser, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hercastle, Gwinn, Stewart, of Baltimore city, Brent of Baltimore city, Sherwood, of Baltimore city, Pressman, Slicer and Smith—25.

So the Convention reconsidered their vote.

Mr. Ridgely, then moved to amend said amendment by adding at the end thereof the following :

“Not exceeding in value the sum of five hundred dollars ;”

Mr. Hollyday, moved to amend said amendment by striking out “five hundred,” and inserting in lieu thereof “three hundred ;”

Determined in the negative.

Mr. Hicks, moved to strike out “five hundred,” and insert “one thousand ;”

Mr. Hicks, moved the question be taken by yeas and nays,
Which motion was not sustained.

The question was then put on the motion of Mr. Hicks, to strike out “five hundred,” and insert “one thousand,” and

Determined in the negative.

Mr. Thawley, moved to amend said amendment by striking out “five hundred,” and inserting “one hundred ;”

Mr. Stephenson, moved for a division of the question, which was put on striking out, and

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Ridgely.

Mr. Grason, moved the previous question, and being seconded, and ordered,

Mr. Hearn, moved to lay the amendment on the table ;

Determined in the negative.

The question was then put on the amendment as offered by Mr. Ridgely ;

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Blakistone, Dent, Hopewell, Ricaud, Weems, Buchanan, Bell, Welch, Ridgely, Lloyd, Colston, Dashiell, Constable, Chambers of Cecil, Miller, McLane, Bowie, Sprigg, Grason, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Cockey and Brown—40.

NEGATIVE.—Messrs. Chapman, Pres't, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Merrick, Jenifer, Hicks, Wright, McMaster, Hearn, Fooks, Thawley, Hardcastle, Stewart, of Balt. city, Presstman, Slicer, Smith and Shower—21.

So the amendment was adopted.

The question then recurred upon the amendment as amended,

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Blakistone, Hopewell, Ricaud, Weems, Bond, Buchanan, Bell, Welch, Ridgely, Lloyd, Colston, Dashiell, Chambers, of Cecil, Miller, McLane, Bowie, Sprigg, Grason, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Cockey and Brown—39.

NEGATIVE.—Messrs. Chapman, President, Dent, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Merrick, Jenifer, Hicks, Wright, McMaster, Hearn, Fooks, Thawley, Hardcastle, Stewart, of Baltimore city, Presstman, Slicer and Smith—21.

So the amendment as amended was adopted.

Mr. Hicks, gave notice that at the proper time he should move to reconsider the vote of the Convention, upon the amendment just adopted, for the purpose of offering the following amendment :

“And that any man who may hereafter die or become insolvent in this State, leaving no estate, or if any estate, less than five hun-

dred dollars, in every such case, the sum of five hundred dollars shall be provided by the Legislature for the support of his family."

The Convention then proceeded to the consideration of the 21st section.

The question before the Convention being on the amendment offered by Mr. Merrick, on Friday the 28th ult., to come in at the end of said section.

Mr. George withdrew the original amendment offered by him as the 21st section, and substituted in lieu of it the following:

"No debt shall hereafter be contracted by the Legislature unless such debt shall be authorised by a law, providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and also to discharge the principal thereof within fifteen years from the time of contracting the same; and the taxes laid for this purpose shall not be repealed, or applied to any other object, until the said debt and the interest thereon shall be fully discharged; and the amount of debts so contracted and remaining unpaid, shall never exceed one hundred thousand dollars. Nor shall the Legislature hereafter appropriate the public money, or pledge the public faith for the use of individuals, associations or corporations; or make appropriations, loans, or subscriptions to any work of internal improvement; but the Legislature may, without laying a tax, borrow an amount never to exceed fifty thousand dollars, to meet temporary deficiencies in the Treasury; and may contract debts to any amount that may be necessary for the defence of the State;"

Which was read.

Mr. Merrick, moved to amend said amendment by adding at the end thereof, the following:

"And they may at any time, when it may become practicable to do so, redeem and pay off the whole or any portion of the outstanding stocks or bonds of the State, by an issue of other stocks or bonds for no greater amount than the stock or bonds redeemed and bearing a less rate of interest."

Mr. Chambers, of Kent, moved to amend said amendment offered by Mr. Merrick, by adding at the end thereof, the following:

"Provided, That such new bonds or stock shall be made redeemable within seven years from the time of their being issued."

This amendment Mr. Merrick accepted.

Mr. Dorsey, moved to amend said amendment by striking out "seven years from;"

Determined in the negative.

The question then recurred and was put upon the adoption of the amendment as offered by Mr. Merrick, and

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. George;

Mr. Constable, moved for a division of the question upon striking out;

Mr. Constable, then moved to strike out the first branch of said amendment, down to the words "one hundred thousand dollars," inclusive, in the 14th line, and inserting in lieu thereof, the following:

"The Legislature shall have no power to contract debts or borrow money except to repel invasion or suppress insurrection;"

Mr. McHenry, moved to amend said amendment by adding at the end thereof these words "or to meet the just liabilities of the State incurred previously to the adoption of this constitution;"

This amendment Mr. Constable accepted.

On motion of Mr. Constable,

Said amendment was further amended by adding at the end thereof the following:

"But the Legislature may without laying a tax, borrow an amount never exceeding fifty thousand dollars to meet temporary deficiencies in the Treasury;"

Pending the question on this amendment, and

After debate thereon,

At 20 minutes past 3 o'clock, P. M.,

Mr. Dashiell, moved that the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to morrow morning 10 o'clock.

WEDNESDAY, March 5th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The Proceedings of yesterday were read.

Mr. Sellman, presented a petition of sundry citizens of Anne Arundel and Calvert counties, praying that the privilege to sell intoxicating liquors shall not be granted to any person in any part of the State, except the same shall be first sanctioned, or approved

of by a majority of the votes in the election district where the same is to be sold;

Which was read,

On motion of Mr. Sellman,

Referred to the select committee appointed on that subject.

Mr. Davis, presented a petition of George L. L. Davis, of the city of Baltimore, for the protection of "grave yards."

Which was read, and

On motion of Mr. Davis,

Referred to committee No. 14.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department;

The question pending before the Convention on yesterday, being on the adoption of the amendment offered by Mr. Constable and amended on the motion of Mr. McHenry.

Mr. Brown, moved to amend said amendment by striking out these words "or to meet the just liabilities of the State incurred previously to the adoption of this constitution;"

Mr. Brown withdrew said amendment.

Mr. Constable, then by consent of the Convention, so modified his amendment, as to strike out the words "or to meet the just liabilities of the State incurred previously to the adoption of this constitution;"

Mr. McHenry, then moved to amend said admendment, by inserting the following in place of the words just stricken out:

"Or absolutely necessary to enable the State to discharge in good faith just liabilities incurred previously to the adoption of this constitution;"

Mr. Henry, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Weems, Merrick, Crisfield, Goldsborough, Bowie, Sprigg, Bowling, McMaster, McHenry, Schley, Fiery, John Newcomer, Davis and Smith—25.

NEGATIVE—Messrs. Sellman, Bond, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Dashiell, Hicks, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Fooks, Thomas, Shriver, Grither, Biser, Annan, Sappington, Stephenson, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Pressman, Ware, Neill, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Shower, Cockey and Brown—45.

So the amendment was rejected.

The question then recurred on the amendment as offered by Mr. Constable,

On motion of Mr. Constable,

Said amendment was amended by striking out these words, without laying a tax;”

The question again recurred and was put on the amendment as offered by Mr. Constable, to insert the same in place of the 1st paragraph of the amendment offered by Mr. George, on yesterday.

Mr. Weems, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Dent, Hopewell, Sellman, Weems, Bond, Merrick, Buchanan, Welch, Chandler, Lloyd, Colston, James U. Dennis, Dashiell, Hicks, Constable, Chambers, of Cecil, Miller, McLane, McMaster, Hearn, Fooks, Gaither, Stephenson, McHenry, Hardcastle, John Newcomer, Michael Newcomer, Parke, Shower and Brown—31.

NEGATIVE—Messrs. Chapman, Pres’t, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Jenifer, Bell, Ridgely, Crisfield, Goldsborough, Bowie, Sprigg, Bowling, Spencer, Grason, George, Thomas, Shriver, Biser, Sappington, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, Harbine, Davis, Kilgour, Weber, Hollyday, Slicer, Smith, Ege and Cockey—43.

So the amendment as amended was rejected.

The question then recurred upon the amendment as offered by Mr. George, as the 21st section of the report.

Mr. Donaldson, moved to amend said amendment by striking out all after the word “improvement,” to the end thereof, and insert the following:

“But without laying a tax, debts may be contracted to any amount that may be necessary to provide for the punctual payment of the interest of the public debt now existing, or in case of war, or to suppress insurrection;”

Mr. Chambers, of Kent, moved to amend the amendment offered by Mr. George, by striking out in the 11th line, the word “individuals;”

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone, Dent, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Weems, Jenifer, Ridgely, Crisfield, Hicks, Goldsborough, Constable, Bowie, Sprigg, Bowling, Spencer, McMaster, Fooks, McHenry, Schley, Fiery, Neill, Harbine, Davis and Kilgour—31.

NEGATIVE—Messrs. Merrick, Buchanan, Bell, Welch, Chand-

ler, Lloyd, Colston, James U. Dennis, Dashiell, Chambers, of Cecil, Miller, McLane, Grason, George, Thomas, Gaither, Biser, Annan, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Presstman, Ware, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer, Smith, Parke, Ege, Cockey and Brown—37.

So the Convention refused to strike out the word “individuals.”

The question then recurred and was put on the amendment as offered by Mr. Donaldson.

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres’t, Dent, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Merrick, Jenifer, Crisfield, Hicks, Goldsborough, Bowie, Sprigg, Bowling, Spencer, Grason, George, McMaster, McHenry, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Weber, Slicer and Smith—32.

NEGATIVE.—Messrs. Hopewell, Weems, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, James U. Dennis, Dashiell, Constable, Chambers, of Cecil, Miller, McLane, Fooks, Thomas, Gaither, Biser, Annan, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Hollyday, Parke, Ege, Cockey and Brown—37.

So the amendment was rejected.

Mr. Davis, then moved to amend said amendment by inserting after the word “corporations,” in the 12th line these words “except for purposes of education;”

Mr. Davis, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Weems, Merrick, Jenifer, Ridgely, James U. Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Constable, McLane, Bowie, Sprigg, Bowling, Spencer, McMaster, Fooks, Biser, Annan, Stephenson, Stewart, of Caroline, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Davis, Kilgour, Weber, Slicer and Smith—43.

NEGATIVE.—Messrs. Buchanan, Bell, Lloyd, Colston, Miller, Grason, George, Thomas, Gaither, Sappington, McHenry, Thawley, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Ware, Neill, Michael Newcomer, Hollyday, Parke, Ege, Cockey and Brown—24.

So the amendment was adopted.

Mr. Thomas, moved to reconsider the vote of the Convention just taken on said amendment.

Pending the question on this motion, and
After debate thereon,

At ten minutes past 3 o'clock, P. M.

On motion of Mr. Buchanan,
The Convention adjourned until to-morrow morning, 10 o'clock.

THURSDAY, March 6th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Biser, presented a petition signed by 553 citizens of the South Western portion of Frederick and South Eastern part of Washington counties, asking for the formation of a new county, embraced within the following boundary to wit: beginning at the mouth of Catocin creek, and running thence up said creek to Magruder's Bridge, crossing said creek, thence with the old Middletown and Sharpburg, road to Gettings' Store, on the Red Hill, then North West with the road to the Turnpike at Keedysville, then with the middle of said road to Antietam creek at Mumma's Mill, then with the middle of said stream to the bridge near Shericks, then with a straight line to the Potomac river, at or opposite Reynold's Mill Dam, then with the Potomac to the beginning, including an estimated population of ten thousand inhabitants and twelve hundred voters.

Which was read, and

Referred to the committee on New Counties.

Mr. Kent, presented a petition of sundry citizens of Anne Arundel county, praying that a provision may be made in the new constitution, that the privilege to sell intoxicating liquor shall not be granted to any person in any part of the State, except the same shall first be sanctioned or approved of by a majority of the votes in the election district where the same is to be sold.

Mr. Hollyday, presented a petition of sundry citizens of Allegany county of similar import; and

Mr. Donaldson, presented a petition of sundry citizens of Howard District in Anne Arundel county, of similar import;

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Lloyd, moved that the several reports from the committee on Representation be made the special order of the day for Tuesday next.

Mr. Merrick, moved to make said reports the special order of the day for Tuesday week next ;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, Pres't., Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Merick, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, Bowling, McMaster, Fooks, Sappington, Stephenson, Thawley, John Newcomer, Davis and Kilgour—33.

NEGATIVE.—Messrs. Bell, Welch, Ridgely, Lloyd, Colston, Chambers, of Cecil, McCullough, Miller, Spencer, George, Thomas, Gaither, Biser, Annan, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery Neill, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Smith, Parke, Ege, Cockey and Brown—34.

So the Convention refused to make them the special order of the day for Tuesday week,

Mr. Dent then moved to make them the special order of the day for the 1st Monday in April next ;

Determined in the negative.

Mr. Kilgour then moved to make said reports the special order of the day for Monday week;

Mr. Wells, moved the question be taken by yeas and nays, Which were ordered.

On motion of Mr. Ricaud,

The Convention was called ;

On motion of Mr. Brown,

Further proceedings under the call was dispensed with.

The yeas and nays were then taken and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Sollers, Merrick, Jenifer, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie,, Sprigg, McCubbin, Bowling, McMaster, Fooks, Sappington, Stephenson, Thawley, John Newcomer, Davis and Kilgour—37.

NEGATIVE—Messrs. Welch, Chandler, Ridgely, Lloyd, Colston, Chambers, of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Gaither, Biser, Annan, McHenry, Stewart, of

Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Weber Hollyday, Slicer, Smith, Parke, Ege, Cockey and Brown—37.

So the Convention refused to make them the special order of the day for Monday week.

Mr. Davis, moved that the Convention proceed to the consideration of the order of the day, being the unfinished business of yesterday.

Mr. Neill, moved to postpone the consideration of the unfinished business.

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Gaither, Biser, Annan, McHenry, Magraw, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown.—38.

NEGATIVE.—Messrs. Chapman, Pres't, Blakistone, Dent, Hope-well, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Sollers, Merrick, Jenifer, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, McMaster, Fooks, Sappington, Stephenson, Brent, of Baltimore city, John Newcomer, Davis, Kilgour and Smith—38.

So the Convention refused to postpone the consideration of the unfinished business;

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department;

The question pending before the Convention on yesterday, being on the motion of Mr. Thomas to reconsider the vote of the Convention on the amendment submitted by Mr. Davis, and adopted by the Convention, inserting in the amendment offered by Mr. George, as the 21st section of the report, these words "except for purposes of education, to come in after the word "corporations," in the 12th line;

On the question being put,

"Will the Convention reconsider their vote on said amendment?"

Mr. Presstman, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Bell, Welch, Lloyd, Colston, Constable, Chambers of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser Annan, Sappington,

Stephenson, McHenry, Thawley, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Pressman, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer Parke, Ege, Cockey and Brown—39.

NEGATIVE.—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Merrick, Chandler, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, McMaster, Fooks, Davis, Kilgour and Smith—31.

So the Convention reconsidered their vote on said amendment.

The question then recurred upon the adoption of the amendment as offered by Mr. Davis;

Mr. Davis, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Merrick, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, McMaster, Fooks, Biser, Davis, and Kilgour—31.

NEGATIVE.—Messrs. Sellman, Sollers, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Chambers of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Thawley, Stewart, of Car., Hardcastle, Stewart, of Balt. city, Brent of Baltimore city, Sherwood, of Balt. city, Pressman, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—42.

So the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. George, as the 21st section of the report.

Mr. Spencer, moved to amend said amendment by striking out all from the word "dollars," in the 9th line to the word "but," in the 13th line, and inserting in lieu thereof the following :

"But the Legislature shall not contract any debt for the use of individuals, associations or corporations, except for public schools, and then only to the extent and in the manner that may be provided for in this constitution;"

Mr. Brown moved the previous, question, that is:

"Shall the main question be now put?" and it was Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Spencer.

Mr. Dorsey. moved for a division of the question upon striking out.

Mr. McHenry, moved to amend said amendment, by adding at the end thereof, the following :

“The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association or corporation, nor shall the General Assembly have the power, in any mode, to involve the State in the construction of works of internal improvement, or in any enterprise which shall involve the faith or credit of the State ;”

Which was read.

Mr. McHenry, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone, Dent, Hopewell, Dorsey, Wells, Kent, Sellman, Weems, Sollers, Merrick, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, James U. Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Sprigg, Bowling, McMaster, Fooks, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Stewart, of Caroline, Hordcastle, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Kilgour, Ege, Cockey and Brown—46.

NEGATIVE—Messrs. Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Randall, Crisfield, Bowie, McCubbin, Spencer, Grason, George, Thomas, Gaither, Annan, Thawley, Gwinn, Stewart, of Baltimore city, Sherwood of Balt. city, Prestman, Ware, Harbine, Davis, Weber, Hollyday, Slicer, Smith and Parke—28.

So the amendment to the amendment was adopted.

The question then recurred upon the adoption of the amendment as amended.

Mr. Sollers, moved to amend said amendment by striking out the first branch of said amendment, being that portion of the amendment offered by Mr. Spencer.

Mr. Thomas, moved for a division of the question upon striking out.

The question was then put on the motion of Mr. Sollers, to strike out that portion of the amendment offered by Mr. Spencer, being the 1st branch of the amendment ; and

Determined in the affirmative.

The question then recurred upon the second branch of said amendment ;

On motion of Mr. Sollers,

Said amendment was amended by adding at the end thereof, these words, “or make any appropriations therefor;”

The question again recurred upon the adoption of the second branch of said amendment as amended ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Blackistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Sollers, Merick, Welch, Chandler, James U. Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Constable, Bowie, Sprigg, McCubbin, McMaster, Fooks, Sappington, Stephenson, McHenry, Hardcastle, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Davis, Kilgour and Cockey—42.

NEGATIVE—Messrs. Bell, Ridgely, Lloyd, Colston, Crisfield, McCullough, Miller, Bowling, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Thawley, Stewart, of Caroline, Gwinn, Brent, of Baltimore city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Weber, Hollyday, Slicer, Smith, Parke, Ege and Brown—31.

So the 2nd branch of the amendment as amended was adopted.

Mr. Spencer, then moved as a substitute for the amendment just adopted, the following :

“The Legislature shall not hereafter appropriate the public money, or pledge the public faith, or make loans, or subscriptions to any association, corporation or work of internal improvement; and they shall not use or appropriate the proceeds of the internal improvement companies, or of the State tax now levied, or which may hereafter be levied to pay off the public debt, to any other purpose, until the interest and debt are fully paid;”

Mr. Spencer, moved the question be taken by yeas and nays,

Mr. Crisfield, gave notice that at the proper time, he should offer the following amendment :

“Strike out after the word “dollars,” in the 10th line, to the word “the,” in the 13th line, and insert : “Nor shall the Legislature hereafter create any debt, or pledge the credit of the State, except for the purpose of Education, as hereinafter may be provided, to or for the use of any association or corporation, or for on account of any work of internal improvement, but after the payment of the public debt as provided by law, the revenue which may accrue from the State's investments in works of internal improvement, may be appropriated to the improvement of existing, and the construction of additional works;”

At a quarter past 3 o'clock, P. M.;

Mr. Chambers, of Kent, moved the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

FRIDAY, March 7th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceeding of yesterday were read.

Mr. John Newcomer, presented a petition of sundry citizens of Washington county, praying that a provision may be made in the new constitution, that the privilege to sell intoxicating liquors shall not be granted to any person in any part of the State, except the same shall first be sanctioned or approved by a majority of the votes in the district where the same is to be sold.

Which was read, and

Referred to the select committee already appointed on that subject.

Mr. Dorsey, moved the Convention take up for consideration the report submitted by him on the 8th of February, as chairman of the committee on New Counties.

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Blakistone, Dent, Hopewell, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Sollers, Bell, Ridgely, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Sprigg, McCubbin, Bowling, Grason, McMaster, Fiery, John Newcomer and Davis—33.

NEGATIVE—Messrs. Ricaud, Lee, Lloyd, Colston, Chambers, of Cecil, McCullough, Miller, Spencer, George, Fooks, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Thawley, Hardcastle, Gwinn, Sherwood, of Balimore city, Pressman, Ware, Schley, Neill, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—32.

So the Convention agreed to take up said report.

The said report being an article erecting Howard District into a county called "Howard county," was then read and adopted.

The Convention then resumed the consideration of the unfinished business of yesterday, being the motion of Mr. Lloyd, to make the several reports from the committee on Representation, the special order of the day for Tuesday next.

Mr. Wells, moved to postpone said reports until Wednesday week.

Mr. Hopewell, moved to lay the whole subject on the table ;
Determined in the negative.

The question then recurred and was put on the motion of Mr. Wells, to postpone said reports until Wednesday week.

Mr. Wells, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Sprigg, McCubbin, Bowling, Grason, McMaster, Fooks, Sappington, Stephenson, McHenry, Thawley, Schley, Fiery, John Newcomer, Davis and Kilgour—37.

NEGATIVE—Messrs. Sollers, Bell, Welch, Ridgely, Lloyd, Colston, Chambers, of Cecil, McCullough, Miller, Spencer, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Hardcastle, Gwinn, Sherwood of Balt. city, Presstman, Ware, Neill, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—31.

So the reports were made the order of the day for Wednesday week.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department ;

The question pending before the Convention on yesterday, being on the amendment offered by Spencer, as a substitute for the amendment offered by Mr. McHenry, and adopted by the Convention.

Mr. Spencer withdrew said amendment, and moved the following to come in at the end of said amendment, offered by Mr. McHenry.

“And they shall not use or appropriate the proceeds of the internal improvement companies, or of the State tax now loaned, or which may hereafter be loaned, to pay off the public debt, to any other purpose, until the interest and debt are fully paid;”

Which amendment Mr. McHenry accepted.

The question then recurred on the amendment as amended.

Mr. Crisfield, offered as a substitute for said amendment, the amendment proposed by him on yesterday, being in these words, strike out all after the word “dollars,” in the 10th line, to the word “the,” in the 13th line, and insert :

“Nor shall the Legislature hereafter create any debt, or pledge the credit of the State, except for the purpose of education, as hereinafter may be provided, to or for the use of any association or corporation, or for on account of any work of internal improvement, but after the payment of the public debt as provided by law, the revenue which may accrue from the State's investments in works of internal improvement, may be appropriated to the improvement of existing, and the construction of additional works;”

Which was read.

Mr. Brown, moved the previous question, that is

“Shall the main question be now put?” and it was

Determined in the negative.

On motion of Mr. McHenry,

The amendment offered by him was further amended by adding at the end thereof the following :

“Or the sinking fund shall be equal to the amount of the outstanding debts;”

The question then recurred upon the adoption of the substitute as offered by Mr. Crisfield.

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Crisfield, Sprigg, McCubbin and Davis—14.

NEGATIVE—Messrs. Chapman, Pres’t, Blakistone, Dent, Hepe-well, Weems, Dalrymple, Bond, Sollers, Jenifer, Bell, Welch, Ridgely, Lloyd, Colston, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, McCullough, Miller, Bowie, Bowling, Spencer, Grason, George, McMaster, Fooks, Thomas, Shriver, Gaither, Annan, Sappington, Stephenson, McHenry Magraw, Thawley, Hardcastle, Gwinn, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—55.

So the Convention refused to accept the substitute.

The question then recurred and was put on the adoption of the amendment as offered by Mr. McHenry, and amended on the motion of Mr. Spencer, and

Determined in the affirmative.

The question then recurred upon the amendment as offered by Mr. George, as the 21st section of the report, and amended on the motion of Mr. McHenry, and

Determined in the affirmative.

Mr. Blakistone then moved to amend said report by inserting as an additional section the following :

“That it shall be the duty of the Legislature so soon as the public debt shall have been fully paid off, to cause to be transfered to the several counties and city of Baltimore, stock in the internal improvement companies, equal to the amount respectively paid by each towards the erection and completion of said works, at the then market value of said stock. It shall further be the duty of the Legislature after the public debt shall have been fully paid off, or the sinking fund shall be sufficient to redeem the same at maturity, to appropriate such portions of the annual revenue of the State stocks in the internal improvement companies of this State, (after deducting so much, together with the other annual revenues of the State as may be necessary to meet the current expenses, and any sudden exigencies that may arise;) equally among said counties and the city of Baltimore, having a just regard to

the several amounts paid by each into the State Treasury; and the advantages and disadvantages resulting to each respectively from the construction of said works of internal improvement. The said stocks and revenue when paid over, to be under the direction and control of the county authorities of the several counties, and the Mayor and city council of Baltimore, respectively to be by them applied to purposes of education, and such other purposes as the said county and city authorities may deem proper;"

Which was read.

Mr. Ridgely moved for a division of the question upon each branch of said amendment.

Mr. Dent moved the previous question, and being ordered,

The question was put on the 1st branch of said amendment, being in these words :

"That it shall be the duty of the Legislature so soon as the public debt shall have been fully paid off, to cause to be transferred to the several counties and the city of Baltimore, stock in the internal improvement companies, equal to the amount respectively paid by each towards the erection and completion of said works, at the then market value of said stock;"

Mr. Weems moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Jenifer, Bell, Welch, Ridgely, Colston, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers of Cecil, Miller, Bowie, McCubbin, Bowling, McMaster, Fooks, Gaither, Annan, Stephenson, Thawley, Presstman, John Newcomer, Michael Newcomer, Weber and Slicer—37.

NEGATIVE—Messrs. Ricaud, Lee, Chambers of Kent, Donaldson, Lloyd, Crisfield, Sprigg, Spencer, Grason, George, Thomas, Shriver, Biser, Sappington, McHenry, Hardcastle, Gwinn, Ware, Schley, Fiery, Neill, Davis, Hollyday, Parke, Ege, Cockey and Brown—27.

So the 1st branch of said amendment was adopted.

The question was then put on the 2nd branch of said amendment, and

The yeas and nays being taken appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Chambers, of Kent, Randall, Kent, Weems, Dalrymple, Bond, Jenifer, Colston, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, McMaster, Fooks, Stephenson, Thawley, Hardcastle, John Newcomer, Michael Newcomer and Davis—29.

NEGATIVE—Messrs. Ricaud, Lee, Donaldson, Dorsey, Wells, Bell, Welch, Ridgely, Lloyd, Crisfield, Chambers, of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver,

Gaither, Biser, Annan, Sappington, McHenry, Gwinn, Sherwood, of Balt. city, Presstman, Ware, Schley, Fiery, Neill, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—37.

So the 2nd and last branch of said amendment was rejected.

Mr. Ridgely, moved further to amend said report, by adding at the end thereof as an additional section, the following:

“The Legislature, at the first session after the adoption of this constitution, shall provide for the substitution of salaries in place of the fees and perquisites of office, now payable to the clerks and registers of the several courts of law, equity and probate in this State, and for reducing and regulating the rates of fees, costs and legal charges in said courts;”

Which was read.

Mr. Ridgely moved the previous question, and being seconded, The question was put on the adoption of said amendment, and

Determined in the affirmative.

Mr. Presstman, moved further to amend said report by adding at the end thereof as an additional section, the following:

“No person shall be imprisoned for debt;”

Mr. Dent moved the previous question, and being seconded,

Mr. McHenry, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Blakistone, Dent, Hopewell, Ricaud, Lee, Wells, Randall, Sellman, Weems, Dalrymple, Bond, Jenifer, Bell, Welch, Ridgely, Lloyd, Colston, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, McCullough, Miller, Bowie, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Thawley, Gwinn, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Davis, Kilgour, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—60.

NEGATIVE—Messrs. Chambers, of Kent, Donaldson, Dorsey, McMaster and Fooks—5.

So the amendment was adopted.

Mr. Spencer, moved the Convention reconsider their vote taken this morning, adopting the 1st branch of the amendment offered by Mr. Blakistone, as an additional section in the report.

Mr. Blakistone, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Jenifer, Lloyd, Crisfield, Dashiell, Hicks, Goldsborough, Chambers, of Cecil, Miller, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Thomas, Shriver, Gaither

Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Hardcastle, Schley, Fiery, Neill, Hollyday, Parke, Ege, Cockey and Brown—37.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hope-well, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Sollers, Bell, Welch, Ridgely, Colston, Eccleston, Bowie, McMaster, Fooks, Thawley, Gwinn, Brent, of Balt. city, Sherwood, of Baltimore city, Presstman, Ware, John Newcomer, Michael Newcomer, Davis, Weber and Slicer—32.

So the Convention reconsidered their vote on said amendment.

Mr. Weems, then moved to postpone the further consideration of this amendment until Monday week, and in the meantime the bill be re-printed, with the amendment offered by Mr. Blakistone;

Mr. John Newcomer, moved for a division of the question.

The question was then put on that part of the motion of Mr. Weems, to postpone until Monday week; and

Determined in the affirmative.

The question was then put on the second part of said amendment, being the re-printing of the report, with the amendments; and

Determined in the affirmative.

Mr. Lee, gave notice that at the proper time, he should offer the following as an additional section to the report :

“Sec. 42. The General Assembly shall, at its second session after the adoption of this constitution, provide by law against the sale of any real estate to satisfy any judgment or other lien in cases where the yearly rents and profits, beyond the payment of taxes, and the necessary repairs, are sufficient within the space of seven years, to satisfy or pay such judgment or other liens.”

Mr. Chambers, of Kent, gave notice that at the proper time, he should move to reconsider the vote of the Convention on the amendment offered by Mr. Dorsey, and adopted by the Convention, as an amendment to the 33rd article, on page 293 of the Journal.

Mr. Crisfield, gave notice of his intention to reconsider the vote of the Convention on the section in the Legislative report abolishing imprisonment of debt, with a view to amend the same.

Mr. Bowie, moved to reconsider the vote of the Convention on the question postponing the report and amendments ;

Mr. Bowie, withdrew said motion.

Mr. Jenifer, chairman of committee No. 14, submitted the following

REPORT :

Art. 1. No person holding an office or appointment under the constitution or laws of this State, (mere members of the legal profession, not being regarded as such office-holder,) no member of

the General Assembly of Maryland, no person holding any office or appointment thereunder, or under either branch thereof, shall under any promise or expectation of a fee, reward, or compensation of any nature or kind, for so doing, advocate before the General Assembly or either branch thereof, or any member of the same a claim of any other person, against the State; or with such legislative body, or any of its members, use advice, recommendation, or persuasion for the allowance or payment of any such claim, or the adoption of any legislative action for that purpose; and any person herein offending shall be guilty of a high misdemeanor, and on conviction thereof, on indictment in a court of law, shall be fined a sum not less than five hundred dollars; and be imprisoned for at least six months, and shall thenceforth cease to hold the office or appointment of which he may be then the incumbent.

Which was read.

The Convention then proceeded to the consideration of the 2nd order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department;

Which was read.

Mr. Sprigg, moved as substitute for said report, the report, No. 4, submitted by him on the 11th January;

Which was read.

Mr. Dorsey, moved to amend said report of the committee on the Executive Department, by inserting after the word "Governor," in the 2nd line, 1st section, the following:

"To be chosen by an electoral college, consisting of one elector from the city of Baltimore, and one from each of the several counties of the State, which election of Governor shall be by ballot, and the person receiving a majority of all the electoral votes hereby authorised to be given, shall be declared duly elected; and the number of ballots or votes which each elector shall put into the ballot box, shall be as follows:—The elector from the city of Baltimore, shall give six votes; from Baltimore county, four votes; from Frederick county, four votes; from Anne Arundel county, three votes; from Washington county, three votes; from Allegany county, two votes; Somerset county, two votes; Worcester county, two votes; Prince George's county, two votes; Carroll county, two votes; Harford county, two votes; Cecil county, two votes; Dorchester county, two votes; Charles county, two votes; Montgomery county, two votes; Queen Anne's county, one vote; St. Mary's county, one vote; Talbot county, one vote; Kent county, one vote; Caroline county, one vote; and Calvert county, one vote.

Which was read.

Mr. Chambers of Kent, moved for a division of the question; The question was then put on the first branch of said amendment being in these words: "to be chosen by an electoral college."

Mr. Ware, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Chambers of Kent, Dorsey, Wells, Kent, Bond, Sprigg, McCubbin and Fooks—9.

NEGATIVE.—Messrs. Blakistone, Dent, Hopewell, Ricaud, Lee, Mitchell, Donaldson, Randall, Sellman, Weems, Dalrymple, Sollers, Jenifer, Bell, Welch, Ridgely, Lloyd, Colston, Dashiell, Hicks, Hodson, Goldshorough, Eccleston, Chambers of Cecil, McCullough, Miller, Bowie, Bowling, Spencer, Grason, George, McMaster, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Thawley, Hardcastle, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—60.

So the 1st branch of said amendment was rejected.

Mr. Dorsey, then withdrew the 2nd branch of said amendment.

On motion of Mr. Grason,

Said report was amended by striking out in the 1st section, 2nd line the words "first Monday," and substituting in lieu thereof "second Wednesday;"

Mr. Grason, moved further to amend said section by striking out in the 3rd line the word "three," and inserting in lieu thereof "four ;"

Mr. Shriver, called for a division of the question, which was put on striking out ;

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Jenifer, Bell, Welch, Ridgely, Crisfield, Dashiell, Hicks, Hodson, Goldshorough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, Spencer, Grason, George, McMaster, Fooks, Thomas, Gaither, Annan, Sappington, Thawley, Hardcastle, Schley, Fiery, Neill, John Newcomer, Davis, Weber, Hollyday, Slicer, Ege and Cockey—51.

NEGATIVE—Messrs. Lloyd, Colston, Chambers of Cecil, McCullough, Miller, Shriver, Biser, Stephenson, McHenry, Magraw, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Presstman, Ware, Michael Newcomer, Parke and Brown—18.

So the Convention struck out "three."

The question then recurred on the 2nd branch of the motion being to fill the blank with "four ;"

Mr. Hardcastle moved to fill the blank with "two ;"

The question was first taken on filling the blank with "four," being the largest number ; and

The yeas and nays being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent,

Hopewell; Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Jenifer, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Spencer, Grason, George, McMaster, Fooks, Thomas, Annan, McHenry, Schley, Fiery, Neill, John Newcomer, Davis, Hollyday and Slicer—39.

NEGATIVE—Messrs. Dalrymple, Bond, Bell, Welch, Ridgely, Lloyd, Colston, Chambers of Cecil, McCullough, Miller, Bowling, Shriver, Gaither, Biser, Sappington, Stephenson, Hardcastle, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Pressman, Ware, Weber, Parke, Ege, Cockey and Brown—26.

So the blank was filled with "four."

On motion,

The Convention then adjourned until to-morrow morning 10 o'clock.

SATURDAY, March 8th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Crisfield, presented a petition of Edward Burford and 62 others, citizens of Somerset county, to restrict the issuing of licenses to sell liquor, unless the same be approved by a majority of the voters of the election district in which the license is to be used.

Mr. Ridgely, presented the petition of 70 citizens of Baltimore county, praying constitutional protection against the sale of spiritous liquor, without the assent of a majority of the voters in the neighborhood; and

Mr. Weber presented a petition signed by 172 citizens of Allegany county, of similar import;

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Buchanan, gave notice of his intention to move a reconsideration of the vote of yesterday, on the 1st section of the report of the committee of the Executive Department, establishing quadrennial elections of Governor, with a view to offer a substitute for an election of three years ;

Mr. Davis, gave notice of his intention to move to reconsider the vote of the Convention on the section offered by Mr. Ridgely on yesterday, to the report of the committee on the Legislative Department, and adopted by the Convention, in relation to the fees and perquisites of office, now payable to the Clerks and Registers of the several courts of law and equity, &c.

The Convention again resumed the consideration of the order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department.

The 1st section of said report having been read as amended, was adopted.

The second section was then read,

Mr. Grason, offered as a substitute for said section the following:

Section 2. The first election for Governor, under this constitution, shall be held on the first Wednesday, in November, in the year eighteen hundred and and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the General Assembly, and every person, qualified to vote for delegates shall be qualified and entitled to vote for Governor; the election to be held in the same manner as the election of delegates and the returns thereof, under seal to be addressed to the Speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to the said Speaker at the commencement of the session of the Legislature next ensuing said election.

On motion of Mr. Grason,

Said section and substitute was passed over informally.

The 3rd section was then read;

Mr. Dorsey, moved to amend said section by striking out the words "Speaker of the House of Delegates," and substituting in lieu thereof "President of the Senate;"

Determined in the negative.

Mr. Dorsey, then moved to amend said section by inserting in the 3rd line the word "legal," before the word "votes;"

Determined in the affirmative.

On motion of Mr. Grason,

Said section was further amended by striking out in the 4th line the words "first Monday," and inserting in lieu thereof "second Wednesday;"

The said 3rd section was then adopted as amended.

The 4th section was then read ;

Mr. Dorsey, moved to amend said section by inserting after the word "Governor," in the 5th line, the words his eligibility;"

Mr. Crisfield, moved as a substitute for said amendment to insert after the word "election," in same section and 5th line,

these words, "and in relation to the qualifications of the persons voted for as Governor;"

On the question being put,

Will the Convention accept said substitute? it was

Determined in the negative.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Dorsey, and

Determined in the affirmative.

Mr. Brent of Balt. city, then moved to amend said section by adding at the end thereof the following:

"And if the person receiving the highest number of votes should not be constitutionally eligible, then the Governor shall be chosen by the joint ballot of the Senate and House of Delegates;"

Which was read.

Mr. Gwinn, offered as a substitute for said amendment to come in at the end of said section the following:

"And in case that the person receiving the highest number of votes, shall not be constitutionally eligible, it shall be the duty of the Governor for the time being, or in case of the vacancy of the said office, for the Speaker of the House of Delegates to issue writs for a new election;"

Which was read.

On the question being put,

"Will the Convention accept said substitute?"

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lloyd, Chambers of Cecil, McCulloch, Miller, Shriver, Sappington, Stephenson, McHenry, Gwinn, Sherwood of Balt. city, Presstman, Ware, Michael Newcomer, Weber, Parke, Ege and Brown—17.

NEGATIVE—Messrs. Chapman, President, Blakistone, Dent, Hopewell, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Dalrymple, Bond, Merrick, Jenifer, Buchanan, Bell, Chandler, Ridgely, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, EcCubbin, Bowling, Spencer, Grason, McMaster, Fooks, Thomas, Gaither, Annan, Thawley, Brent of Baltimore city, Fiery, Neill, John Newcomer, Davis, Hollyday, Slicer and Cockey—42.

So the Convention refused to accept the substitute.

The question then recurred and was put on the amendment as offered by Mr. Brent of Balt. city, and

Determined in the affirmative.

On motion of Mr. Grason,

Said 4th section was further amended by striking out the words "ballot by the Senate and House of Delegates," in the 3rd line,

and inserting in lieu thereof "vote of the Senate and House of Delegates, the said vote to be taken viva voce;"

Mr. Dent, moved further to amend said section by inserting between the words "the," and "House," in the 6th line of said section these words "joint vote of the Senate and;"

Determined in the negative.

On motion of Dent,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Dalrymple, Bond, Merrick, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowling, McMaster, Fooks, Fiery, John Newcomer and Davis—25.

NEGATIVE—Messrs. Jenifer, Buchanan, Bell, Chandler, Ridgeley, Lloyd, Colston, Chambers, of Cecil, Miller, Bowie, McCubbin, Spencer, Grason, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Thawley, Hardcastle, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Pressman, Ware, Schley, Neill, Michael Newcomer, Weber, Hollyday, Slicer, Parke, Ege, Cockey and Brown—39.

So the amendment was rejected.

The said 4th section as amended was then adopted.

The 5th section was then read.

On motion of Mr. Grason,

Said section was amended by inserting after the words "Anne Arundel," in the 4th line the word "Howard;"

Mr. Jenifer, moved to amend said section by inserting after the words "Eastern Shore," the words "and Harford county," and by striking out from the word "first, in the 2nd line, to the word "and," where it occurs in the 5th line, and inserting in lieu thereof the following: "Baltimore city, Baltimore and Carroll counties, the second, and St. Mary's, Allegany, Washington, Frederick, Montgomery, Anne Arundel, Prince George's, Calvert, Charles and Howard counties, the third;" strike out in the 5th section, 2nd line, "Baltimore, Harford," and insert "Saint Mary's, Charles, Calvert, Prince George's Anne Arundel, Howard, Montgomery," and after the word "and" in 3rd line, strike out "Saint Mary's, Calvert, Charles, Prince George's, Anne Arundel and Montgomery," and insert "Baltimore and Harford;"

Mr. Thomas, moved to amend said section by striking out all of said 5th section to the word "third," in the 5th line, and inserting in lieu thereof the following:

"The State shall be divided into four districts, Allegany, Washington, Frederick, Carroll and Baltimore counties to be the first; Harford and the eight counties on the Eastern shore, the second; St. Mary's, Charles, Prince George's, Anne Arundel,

Howard and Montgomery counties, the third; and Baltimore city the fourth district;"

Which was read.

The President stated that this amendment was not in order until the question was first taken on the amendment offered by Mr. Jenifer to said section.

Mr. Jenifer moved that when the Convention adjourn, it stand adjourned until Monday morning 12 o'clock;

Determined in the affirmative.

On motion of Mr. Grason,

The Convention then adjourned until Monday morning 12 o'clock.

MONDAY, March 10th, 1851.

The Convention met,

And having been called to order by Mr. Blakistone, appointed President pro tempore, by the President;

And after prayer by the Rev. Mr. Graff,

The proceedings of Saturday were read.

Mr. Jenifer, chairman of committee No. 14, asked leave to report back the petition from citizens of Allegany county, praying that the Convention "provide in the new constitution that the privilege to sell intoxicating liquors shall not be granted to any person in any part of the State, except the same shall be first sanctioned or approved of by a majority of the voters in the election district where the same is to be sold," and that the same be referred to the committee already appointed on that subject. Also, the petition from citizens from Washington county, on the same subject, be referred to the same committee.

Also, that the petition of Wm. B. Shield and 47 other citizens of Frederick county, praying for a new county composed of Hayvers, Catocton, Middletown, Petersville and Jefferson districts of said county;" be referred to the committee on New Counties.

Also, that the petition for the protection of Grave Yards from desecration, be referred to the next General Assembly of Maryland.

And that committee No. 14, be discharged from the further consideration of the same.

Which was read.

The report of the committee was concurred in, and the several petitions therein mentioned, were severally referred as recommended in said report.

Mr. Sollers presented an account of Edward M. Wise, Messenger to His Excellency, the Governor of Maryland ;

Which was read, and

Referred to the committee on accounts.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department.

The question pending on Saturday, before the Convention being on the amendment offered by Mr. Jenifer, to the 5th section.

On motion of Mr. Grason,

Said section was passed over informally.

The 6th section was then read ;

Mr. Grason, moved to amend said section by striking out "ten," in the second line, and inserting "seven," and by striking out "seven," in the third line, and inserting "five," and striking out "two," in the fourth line, and inserting "three ;"

Mr. Buchanan, moved to amend said amendment by striking out "seven," in the 2nd line and inserting in lieu thereof "five ;"

Mr. Brown, gave notice that at the proper time he should move to amend said 6th section, by striking out in the 2nd line, the words, "been for ten years," and insert the word "be."

Mr. Chambers, of Kent, moved for a division of the question upon striking out.

Mr. Spencer, gave notice that at the proper time, he should offer the following amendment, strike out in the 6th section from the word "year," in the second line to the word "and," in the 4th line, and insert these words "and been for ten years a resident citizen of this State."

The question was first put on the motion of Mr. Chambers, of Kent, on striking out, and

Determined in the affirmative.

The question was then put on the amendment offered by Mr. Grason, to the 6th section, by inserting in the 2nd line of said section the word "seven," in place of the word "ten," stiken out ;

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres't, pro tem., Dent,

Hopewell, Ricaud, Lee, Chambers of Kent, Donaldson, Randall, Kent, Dalrymple, Bond, Brent of Charles, Jenifer, Colston, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Sprigg, McCubbin, Grason, Dirickson, McMaster, Fooks, Stephenson, Ware and Davis—29.

NEGATIVE—Messrs. Dorsey, Wells, Sollers, Buchanan, Bell, Welch, Lloyd, Dickinson, Chambers of Cecil, Miller, McLane, Spencer, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Hardcastle, Gwinn, Stewart of Baltimore city, Sherwood of Baltimore city, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer, Parke, Cockey and Brown—35.

So the Convention refused to fill the blank with “seven.”

The question was then put on the motion of Mr. Buchanan, to fill the blank with “five;”

Mr. Biser, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres’t, pro tem., Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Sollers, Brent of Charles, Jenifer, Buchanan, Bell, Welch, Lloyd, Dickinson, Colston, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Constable, Chambers of Cecil, McLane, Sprigg, McCubbin, Spencer, Grason, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Hardcastle, Gwinn, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Davis, Kilgour, Hollyday, Parke, Cockey and Brown—61.

NEGATIVE—Messrs. Miller, McHenry, Stewart of Balt. city, Sherwood, of Balt. city, Weber and Slicer—6.

So the blank was filled with “five.”

On motion of Mr. Grason,

Said section was further amended by striking out in the 3rd line the word “seven,” and inserting “five;”

On motion of Mr. Grason,

Said section was further amended by striking out in the 4th line the word “two,” and inserting in lieu thereof “three;”

Mr. Spencer, in accordance with the notice given then moved to amend said 6th section, by striking out from the word “year,” in the 2nd line, to the word “and,” in the 4th line, and inserting in lieu thereof these words “and been for ten years a resident citizen of this State;”

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres’t, pro tem., Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Bond, Brent, of Charles, Jenifer, Crisfield, Dashiell, Hicks, Hodson,

Goldsborough, Eccleston, Sprigg, Spencer, Dirickson, McMaster, Fooks, Jacobs, Stewart, of Balt. city and Davis—29.

NEGATIVE—Messrs. Dorsey, Wells, Kent, Sollers, Buchanan, Bell, Welch, Lloyd, Dickinson, Colston, Constable, Chambers, of Cecil, Miller, McLane, McCubbin, Grason, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer, Parke, Cockey and Brown—39.

So the amendment was rejected.

Mr. Brown, then moved to strike out the 6th section in said report, and substitute in lieu of it the following :

Noperson except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office, who shall not have attained the age of thirty years, and who shall not have been five years next preceding his election, a resident within this State, and for three years a resident of the district from which he was elected.

Which was read.

Mr. Ware, moved for a division of the question upon striking out.

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Constable, Chambers, of Cecil, McCullough, Miller, McLane, Shriver, Biser, McHenry, Magraw, Gwinn, Stewart, of Balt. city, Michael Newcomer, Weber, Slicer, Parke, Cockey and Brown—17.

NEGATIVE—Messrs. Blakistone, Pres't, pro tem, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Sollers, Brent, of Charles, Jenifer, Buchanan, Bell, Welch, Lloyd, Dickinson, Colston, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Sprigg, McCubbin, Spencer, Grason, Dirickson, McMaster, Fooks, Gaither, Annan, Sappington, Hardcastle, Ware, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour and Hollyday—46.

So the Convention refused to strike out the 6th section ;

The said 6th section was then adopted.

The 7th section was then read,

On motion of Mr. Grason,

Said section was amended by striking out in the 3rd line "by joint ballot," and inserting in lieu thereof the words "by the joint vote;"

The said 7th section as amended was then adopted.

On motion of Mr. Lee,

The Convention adjourned until to-morrow morning 10 o'clock.

TUESDAY, March 11th, 1851.

The Convention met;

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Annan, presented a petition of sundry citizens of Frederick county, praying that provision may be made in the new constitution to prevent the sale of intoxicating liquors, except the same shall be approved of by a majority of the votes in the election district where the same is to be sold;

Which was read, and

Referred to the select committee appointed on that subject.

Mr. Blakistone, the President pro tem., informed the Convention that he had been requested by Mr. Wheeler, the Reporter to the Convention, to ask leave of absence for Wednesday and Thursday;

On the question being put,

“Will the Convention grant the leave?” it was

Determined in the affirmative.

The Convention then proceeded to the consideration of the order of the day, being the reported submitted by Mr. Grason, chairman of the committee on the Executive Department;

The 8th section was then read.

On motion of Mr. Grason,

Said section was amended by striking out in the 3rd line the words “by the two Houses,” and inserting in lieu thereof “as hereinbefore provided;”

The said section was then adopted as amended.

The 9th section was then read.

Mr. Grason, moved to amend said section by adding at the end thereof the following :

“I do solemnly swear (or affirm) that I will faithfully discharge the duties of the office of Governor, and will to the best of my ability, preserve, protect and defend the constitution of Maryland;”

Which was read.

On motion of Mr. Grason,

Said section was passed over informally.

The 10th and 11th sections were severally read and adopted.

The 12th section was then read.

Mr. Grason, moved to amend said section by adding at the end thereof the following :

"Unless a different mode shall be prescribed by the law creating the office;"

Determined in the affirmative.

The 12th section was then adopted as amended.

The 13th section was then read.

On motion of Mr. Grason,

Said section was amended by inserting after the word "until," in the 4th line, the words "the same or," and by striking out the word "the," in the 5th line, and inserting the word "every;"

On motion of Mr. Hollyday,

Said section was further amended, by striking out in the 6th line, the word "some," and inserting the word "any;"

The said 13th section was then adopted as amended.

Mr. Crisfield, moved to reconsider the vote of the Convention just taken on the 13th section, to enable him to move the following as a substitute for said section:

"The Governor shall have power to fill any vacancy that may occur during the recess of the Senate, in any office to which the Governor has the power of appointment, by granting a commission, which shall expire upon the appointment of the same person or any other person, by and with the advise and consent of the Senate, to the same office, or at the expiration of one calendar month, ensuing the commencement of the next regular session of the Senate which ever shall first occur;"

On the question being put,

"Will the Convention reconsider their vote on said section?" it was

Determined in the affirmative.

Mr. Crisfield then withdrew his amendment.

On motion of Mr. Chambers, of Kent,

Said section was amended by inserting after the word "office," in the 5th line, these words "which ever shall first occur;"

Mr. Crisfield then offered as a substitute for said 13th section as amended, the amendment previously offered, and afterwards withdrawn by him.

On the question being put,

"Will the Convention accept said amendment?" it was

Determined in the affirmative.

The question then recurred on the adoption of said substitute as the 13th section of the report;

Mr. Brent, of Baltimore city, moved to amend said substitute by inserting after the word "appointment," in the 4th line, the following, "or in case any office or appointment shall be created by law, and shall not be filled during the session of the Senate."

Mr. Crisfield, moved to amend said amendment by inserting after the word "law," within twenty days next before the adjournment of the Legislature ;"

Determined in the affirmative.

The question then recurred upon the amendment as offered by Mr. Brent of Balt. city, and amended on the motion of Mr. Crisfield, and

Determined in the affirmative.

The question then recurred and was put on the adoption of the 13th section as amended, and

Determined in the affirmative.

The 14th section was then read ;

On motion of Mr. Dorsey,

Said section was amended by striking out the word "and," in the 1st line ;

The said 14th section was then adopted.

The 15th section was then read ;

On motion of Mr. Grason,

Said section was amended by striking out in the 5th line, the words "one year," and inserting in lieu thereof "two years ;"

On motion of Mr. Grason,

Said section was further amended by striking out in the last line the words "according to law ;"

On motion of Mr. Grason,

Said section was further amended by inserting in the 1st line after the word "appointed," the word "biennially ;"

On motion of Mr. Dorsey,

Said section was amended by striking out in the 5th line, the word "or," and substituting the word "and ;"

On motion of Mr. Chambers of Kent,

Said section was further amended by striking out in the 5th line, the words "they are ;"

Mr. Dorsey, moved further to amend said 15th section, by adding at the end thereof the following :

"Unless the appointment be made to fill a vacant office, when the appointees term shall commence as soon as he shall have qualified ;"

Which was read.

Mr. Dorsey withdrew said amendment.

The said 15th section was then adopted as amended.

The 16th section of said report was then read ;

Mr. Grason moved to amend said section by adding at the end thereof the following: "Or the law creating the office ;"

Determined in the affirmative.

On motion Mr. Grason,

Said section was further amended by striking out all after the word "remove," in the 4th line, to the end of said section, and inserting in lieu thereof the following: "all civil officers who are appointed biennially by the Governor and Senate;"

The said 16th section was then adopted as amended.

The 17th and 18th sections were then severally read and adopted.

The 19th section was then read;

Mr. Dorsey, moved to amend said section by inserting after the word "impeachment," in the 2nd line, the following:

"And in cases where he may be deprived of such power by some provision of this constitution, or express legislative enactment;"

Mr. Spencer, moved for a division of the question upon said amendment.

The question was then put on the first branch of said amendment, being in these words: "and in cases where he may be deprived of such power by some provisions of this constitution;"

Determined in the affirmative.

The question was then put on the second and last branch of said amendment, being in these words: "or express legislative enactment;"

Mr. Dorsey, with the consent of the convention, so amended the last branch of his amendment, by adding at the end thereof these words "passed before the perpetration of the crime," so that the last branch of the amendment is in these words: "or express legislative enactment passed before the perpetration of the crime;"

Mr. Sollers, moved the previous question and being seconded,

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres't pro tem., Dent, Hopewell, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Dalrymple, Bond, Sollers, Brent of Charles, Crisfield, Hodson, Sprigg, Bowling and Davis—18.

NEGATIVE—Messrs. Ricaud, Lee, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, Dashiell, Hicks, Eccleston, Constable, Miller, McLane, McCubbin, Spencer, Grason, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Ware, Schley Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Hollyday, Slicer, Parke, Ege and Brown—51.

So the last branch of the amendment was rejected.

The question then recurred and was put on the adoption of the 19th section as amended, and

Determined in the affirmative.

Mr. Donaldson, moved that the Convention reconsider their vote just taken on the adoption of said 19th section ;

Determined in the affirmative.

On motion of Mr. Biser,

The Convention adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, March 12th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceeding of yesterday were read.

Mr. Sappington, submitted the following order :

Ordered, That a select committee be appointed and instructed to enquire and report to this House, whether or not it would not be expedient to discharge some of the doorkeepers and committee clerks ;

Which was read.

Mr. Magraw moved to lay said order on the table ;

Mr. Sappington, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, pro tem., Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Donaldson, Kent, Dalrymple, Sollers, Brent of Charles, Jenifer, Chandler, Dashiell, Hicks, Eccleston, Sprigg, Bowling, Grason, Dirickson, McMaster, Annan, Magraw and Kilgour—24.

NEGATIVE—Messrs. Dorsey, Wells, Sellman, Lloyd, Dickinson, Sherwood of Talbot, Chambers of Cecil, Miller, McCubbin, Spencer, Shriver, Gaither, Biser, Sappington, Nelson, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Parke, Cockey and Brown—32.

So the Convention refused to lay the order on the table.

The question then recurred on the adoption of the order, and

Determined in the affirmative.

The President thereupon appointed Messrs. Sappington, Annan and Ricaud, to compose said committee.

On motion of Mr. Ricaud,

He was excused by the Convention from serving on said committee.

The President substituted Mr. Dirickson in place of Mr. Ricaud, who was excused.

Mr. Biser presented a petition of 286 citizens of Frederick and Washington counties, remonstrating against the creation of a new county from parts of the aforesaid counties;

Which was read, and referred to the committee on New Counties.

Mr. Chambers, of Kent, presented a petition of sundry citizens of Cecil county, praying that provision may be made in the new constitution to prevent the sale of intoxicating liquors, except the same shall be approved of by a majority of the votes in the election district where the same is to be sold; and

Mr. Magraw, presented a petition of sundry citizens of Harford county, of similar import.

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Wells, chairman of the committee on Accounts, submitted the following report:

The committee of Accounts respectfully report that they have examined the accompanying claims numbered 1, 2, 3, 4, 5, 6 and 7, amounting to the sum of \$357, 52, and recommend the adoption of the subjoined resolution.

G. WELLS, Chairman.

Resolved, That the accounts herewith filed, be paid by the orders of the President of the convention, on the Treasurer of the State, in favor of the persons entitled to receive the same, for the amounts due to them respectively.

Which was twice read and adopted.

Mr. Dirickson asked to be excused from serving on the committee appointed under the order of the convention, to enquire and report whether it would not be expedient to discharge some of the Doorkeepers and committee Clerks.

Mr. Sollers, moved the convention reconsider their vote adopting said order.

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres't., pro tem., Dent, Hopewell, Lee, Dalrymple, Sollers, Brent, of Charles, Jenifer, Buchanan, Welch, Dickinson, Sherwood, of Talbot, Colston,

Dashiell, Hicks, Hodson, Eccleston, Chambers, of Cecil, Tuck, McCubbin, Bowling, Grason, Dirickson, McMaster, Annan, Magraw, Gwinn, Stewart, of Baltimore city, Presstman, Ware, Kilgour, Waters and Brown—33.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Donaldson, Doisey, Wells, Randall, Sellman, Bell, Chandler, Ridgely, Crisfield, McCullough, Sprigg, Spencer, Shriver, Gaither, Biser, Sappington, Nelson, Hardcastle, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Hollyday, Slicer, Parke and Cockey—33.

So the Convention refused to reconsider their vote.

The question then recurred and was put on the motion of Mr. Dirickson, to be excused from serving on said committee, and Determined in the affirmative.

On motion of Mr. Annan,

He was also excused from serving on said committee.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department ;

The question pending before the Convention on yesterday being on the adoption of the 19th section.

Mr. Sollers, moved to amend said section by striking out from the word "case," in the 3rd line to the end of said section and inserting in lieu thereof the following:

"Before he exercises the power of granting reprieves and pardons, cause to be published at least thirty days in some newspaper published at the seat of government, and in some newspaper published in the county where the person petitioning for a reprieve or pardon resides, if there be any, the petition of such person, and the names of all persons signing such petition, and the publication aforesaid shall be made at the expense of the State, or the party petitioning as the Governor may determine ;"

Mr. Presstman moved to amend said amendment by adding at the end thereof the following:

"And that sentence of the court shall not be executed where the court is satisfied that the convicted party has applied for Executive clemency, until the Governor shall have acted upon the application ;"

Which amendment was accepted by Mr. Sollers.

Mr. Kilgour moved further to amend said amendment by inserting after the words "signing such petition," these words "unless recommended for pardon by the court and jury before whom convicted ;"

Determined in the negative.

Mr. Brent, of Baltimore city, moved further to amend said

amendment by inserting after the words "if there be any," these words "or elsewhere in the discretion of the Governor;"

This amendment Mr. Sollers accepted.

The question then recurred on the adoption of the amendment as amended.

Mr. Gwinn, offered as a substitute for said amendment the following :

"And the Governor shall before proceeding to grant any pardon or nolle prosequi, (unless where the same is granted for reason of public policy, give a reasonable notice of the application of such pardon or nolle prosequi, and of the grounds on which the said pardon or nolle prosequi is prayed,"

On the question being put,

"Will the Convention accept said substitute?" it was

Determined in the negative.

The question again recurred upon the adoption of the amendment as amended.

Mr. Spencer moved for a division of the question, which was put upon striking out, and

Determined in the negative.

Mr. Donaldson then moved to amend said 19th section, by inserting after the words "pardons," in the 1st line the words "after conviction;"

Mr. Brent, of Balt. city, moved the previous question, that is :

"Shall the main question be now put?"

Determined in the affirmative.

The question was then put on the amendment as offered by Mr. Donaldson, to amend said 19th section, by inserting after the word "pardons," in the 1st line the words "after conviction;"

Mr. Donaldson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sollers, Crisfield, Dashiell, Hicks, Eccleston, McMaster, Gaither, Davis, Weber and Smith—17.

NEGATIVE—Messrs. Blakistone, Pres't, p. t., Hopewell, Ricaud, Sellman, Brent, of Charles, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, Dirickson, Fooks, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Brent, of Balt. city, Pressman, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Slicer, Parke, Cockey and Brown—51.

So the amendment was rejected.

The question then recurred and was put on the adoption of the 19th section.

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, p. t., Dent, Hopewell, Ricaud, Sellman, Dalrymple, Sollers, Brent, of Charles, Jenifer, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, Dirickson, McMaster, Fooks, Shriver, Biser, Annan, Sappington, Magraw, Nelson, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Balt., city, Presstman, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Hollyday, Slicer, Parke, Cockey and Brown—52.

NEGATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Crisfield, Dashiell, Hicks, Hodson, Eccleston, Gaither, McHenry, Davis, Waters, Weber and Smith—18.

So the 19th section was adopted.

Mr. Dorsey gave notice of his intention to offer as additional sections to the report the following :

Article "The Governor shall in no case remit any portion of the principal or interest of any debt due the State, except in cases of fines and forfeitures."

Art. "It shall be the duty of the Governor semi-annually, and oftener if he deem it expedient, to inspect the bank book, books of accounts, and other proceedings of the Treasurer."

Mr. Grason, moved that the Convention proceed to the consideration of the second section of the report.

Mr. Spencer, moved the question be taken by year and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Jenifer, Bell, Welch, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, Spencer, Grason, Shriver, Biser, Sappington, McHenry, Nelson, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer and Parke—28.

NEGATIVE—Messrs. Blakistone, Pres't, p. t., Dent, Hopewell, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Sellman, Dalrymple, Brent, of Charles, Lloyd, Crisfield, Dashiell, Hicks, Hodson, Eccleston, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Gaither, Annan, Schley, Fiery, Davis, Kilgour, Waters, Smith, Cockey and Brown—38

So the Convention refused to take up for consideration the 2nd section.

Mr. Dorsey, then moved to insert as the 20th section to the report, the following:

“Section 20th. The Governor shall in no case remit any portion of the principal or interest of any debt due to the State, except in cases of fines and forfeitures;”

Determined in the affirmative.

Mr. Dorsey then moved further to amend said report by inserting as the 21st section, the following:

“Section 21. It shall be the duty of the Governor semi-annually, and oftener if he deem it expedient, to inspect the bank book, books of accounts and other proceedings of the Treasurer;”

Determined in the affirmative.

On motion of Mr. Tuck,

Said report was further amended by inserting as the 22nd section, the following :

“Section 22nd. Before granting any pardon or nolle prosequi, the Governor shall cause such notice as he may deem expedient, by publication in some one or more newspapers, that an application has been made, and that the same will be considered on or after a day to be named in said notice;”

The 23rd section was then read, (being the 20th section in the original report ;)

On motion of Mr. Grason,

The said 20th section in said report was stricken out.

The 21st section in said original report was then read.

Mr. Dirickson moved to strike out said section, and substitute in lieu of it the following :

“Section 21. The Governor shall be in attendance at the seat of government during the sessions of the Legislature of the State, and shall receive for his services an annual salary of two thousand dollars;”

Mr. Grason moved to amend said 21st section of printed report, by striking out all after the word “government,” in the 1st line, to the word “and,” in the second line;

Determined in the affirmative.

The question then recurred upon the amendment offered by Mr. Dirickson as a substitute for the 21st section of the report.

Mr. Dorsey, moved to amend said substitute by striking out from the word “government,” these words “during the sessions of the Legislature of the State,” and inserting in lieu thereof the following: “during the session of the Legislature, and in the recess thereof be in the city of Annapolis, during the first week of every other month of his term;”

Mr. Brown moved the previous question, that is :

“Shall the main question be now put?”

Mr. McHenry, moved the question be taken by yeas and nays;
 Mr. Brown withdrew the motion for the previous question.
 The question then recurred on the motion of Mr. Dorsey;
 After debate thereon,
 At 10 minutes past 3 o'clock, P. M.,
 Mr. Kilgour, moved the Convention adjourn;
 Determined in the negative.
 After further debate;
 Mr. Magraw, moved the Convention adjourn;
 Determined in the affirmative.
 And the Convention accordingly adjourned until to-morrow
 morning 10 o'clock.

THURSDAY, March 13th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President announced the appointment of Messrs. Brent, of Charles, and Crisfield in place of Messrs. Annan and Dirickson, who were excused by the Convention on yesterday from serving on the committee appointed under an order adopted to enquire into the expediency of discharging some of the Doorkeepers and committee clerks.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department.

The question pending on yesterday before the Convention being on the amendment offered by Mr. Dorsey, to the substitute offered by Mr. Dirickson, for the 21st section of the printed report;

Mr. Dorsey withdrew the amendment offered by him.

On motion of Mr. Stewart, of Baltimore city,

The Convention was called and the Doorkeeper sent for the absent members.

Mr. Fiery, moved that further proceedings under the call be dispensed with.

Determined in the negative.

The Doorkeeper having returned, reported that in obedience to

order he had notified the absent members that their attendance in the Convention was required.

The Convention then resumed the consideration of the order of the day;

The question pending before the Convention being on the amendment offered by Mr. Dirickson, as a substitute for the 21st section of printed report.

Mr. Phelps, moved for a division of the question upon each branch of said amendment.

Mr. Phelps, withdrew the motion.

Mr. Dirickson renewed the motion,

And moved for the yeas and nays, which were ordered.

The question was then put on the 1st branch of said amendment being in these words, "the Governor shall be in attendance at the seat of Government during the sessions of the Legislature of the State ;"

The yeas and nays were then taken and appeared as follows:

AFFIRMATIVE—Messrs. Lee, Dorsey, Dalrymple, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Dashiell, Eccleston, Dirickson, McMaster, Fooks, Gauthier, Sappington, Nelson, Carter, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Davis, Brewer, Slicer, Smith, Cockey and Brown—28.

NEGATIVE—Messrs. Blakistone, Pres't, (pro tem.) Dent, Hope-well, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Sellman, Sollers, Brent, of Charles, Buchanan, Welch, Chandler, Williams, Hicks, Hodson, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Gason, Shriver, Biser, McHenry, Magraw, Gwinn, Stewart, of Baltimore city, Presstman, Ware, Kilgour, Waters, Weber, Hollyday and Parke—37.

So the 1st branch of said amendment was rejected.

The question then recurred on the 2nd and last branch of said amendment, being in these words, "and shall receive for his services an annual salary of two thousand dollars ;"

Mr. Dirickson, with the consent of the Convention withdrew the last branch of his amendment ;

And moved to amend the 21st section in printed report, by striking out in the last line thereof, the words "four thousand," and inserting in lieu thereof, "two thousand ;"

Mr. Crisfield, moved for a division of the question upon striking out ;

Mr. Dorsey, moved to amend said 21st section of printed report, by inserting after the word "Government," in the 1st line, the following : "during the sessions of the General Assembly, and in the recess thereof, shall be in the city of Annapolis, during the first week of every other month of his term ;"

Mr. Chambers, of Kent, moved to amend said 21st section of

printed report, by striking out "four thousand," and inserting "thirty six hundred ;"

Mr. Tuck, moved the previous question and being seconded ;

The question was first put on the motion of Mr. Crisfield, on striking out ;

Mr. Sappington, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Dent, Lee, Chambers, of Kent, Dorsey, Dalrymple, Brent, of Charles, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Dashiell, Williams, Eccleston, Phelps, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Sappington, Nelson, Carter, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Davis, Brewer, Weber, Slicer, Smith, Parke, Shower and Cockey—35.

NEGATIVE—Messrs. Blakistone, Pres't. pro tem., Hopewell, Mitchell, Donaldson, Wells, Randall Kent, Sellman, Weems, Sollers, Jenifer, Buchanan, Bell, Welch, Chandler, Hicks, Hodson, Chambers, of Cecil, Bowie, Tuck, Grason, McHenry, Magraw, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore Presstman, Ware, Kilgour, Waters, Hollyday, and Brown—32.

So the motion to stike out prevailed.

The question was then put on the motion of Mr. Chambers, of Kent, to fill the blank with "thirty-six hundred ;"

The yeas and nays being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, pro tem., Dent, Hopewell, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Sellman, Weems, Sollers, Brent, of Charles, Jenifer, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Hicks, Hodson, Phelps, Chambers, of Cecil, Miller, Bowie, Tuck, Grason, Shriver, Biser, McHenry, Magraw, Gwinn, Stewart, of Baltimore city, Brent, of Balt. city, Presstman, Ware, Kilgour, Brewer, Waters, Hollyday and Brown—43.

NEGATIVE—Messrs. Lee, Dorsey, Dalrymple, Crisfield, Dashiell, Williams, Eccleston, Dirickson, McMaster, Fooks, Gaither, Sappington, Nelson, Carter, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Davis, Weber, Slicer, Smith, Parke, Shower and Cockey—26.

So the blank was filled with "thirty-six hundred."

The question then recurred and was put on the adoption of the 21st section as amended ;

On motion of Mr. Dirickson,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, pro tem., Dent, Hopewell, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Sellman, Weems, Sollers, Brent, of Charles, Jenifer,

Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Williams, Hicks, Hodson, Phelps, Chambers, of Cecil, Miller, Bowie, Tuck, Grason, Shriver, Biser, McHenry, Magraw, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presstman, Ware, Kilgour, Brewer, Waters, Hollyday, and Brown—45.

NEGATIVE—Messrs. Lee, Dorsey, Dashiell, Eccleston, Dirickson, McMaster, Fooks, Gaither, Sappington, Nelson, Carter, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Weber, Slicer, Smith, Parke, Shower and Cockey—22.

So the 21st section, as amended, was adopted.

Mr. Dorsey then moved to reconsider the vote of the Convention just taken on the adoption of 21st section, for the purpose of enabling him, as he stated, to offer the following amendment:

Strike out in 3rd line, "thirty-six hundred dollars," and insert "as shall hereafter be prescribed by the Legislature."

Mr. Davis proceeded to make some remarks in favor of the motion to reconsider;

When Mr. McHenry rose to a point of order, that it was not in order on a motion to reconsider to discuss the merits of the proposition;

Mr. Tuck, being in the chair, stated that it had been the practice to allow such discussions, and therefore overruled the point of order.

The question was then put on the motion of Mr. Dorsey, to reconsider the vote of the Convention on the 21st section;

Mr. Dorsey moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Dorsey, Crisfield, Dashiell, Eccleston, Dirickson, McMaster, Fooks, Gaither, Sappington, Nelson, Carter, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Davis, Smith, Parke, Shower, and Cockey—22.

NEGATIVE—Messrs. Blakistone, Pres't. pro tem., Dert, Chambers, of Kent, Donaldson, Wells, Sellman, Brent, of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Williams, Hicks, Hodson, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Grason, Shriver, Biser, McHenry, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, and Brown—38.

So the Convention refused to reconsider their vote on said section.

Mr. Smith gave notice that when a larger attendance of the members were present, he should move to reconsider the vote of the Convention on the 21st section.

Mr. Brent, of Balt. city, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the 13th section, for the purpose of offering the following as a substitute for said section :

“In all cases where the Governor has the power by the Constitution or laws to make any appointment to office, or in case any vacancy shall occur during the recess of the Senate, in any office to which the Governor has the power of appointment, he shall have power in the recess of the Senate to make such appointments or fill such vacancy by granting a commission, which shall expire upon the appointment of the same person or any other person, by and with the advice and consent of the Senate, to the same office, or at the expiration of one calendar month ensuing the commencement of the next regular session of the Legislature whichever shall first occur.”

The 22nd section was then read;

Mr. Dorsey moved to amend said section by adding at the end thereof, these words, “before his appointment;”

Mr. Chambers, of Kent, moved to amend said section by striking out in the 5th line, these words, “such annual compensation as may be fixed by the Legislature,” and inserting in lieu thereof an annual salary of “one thousand dollars;”

Mr. Parke moved for a division of the question, which was put on striking out, and

Determined in the affirmative.

The question then recurred on the adoption of the amendment as offered by Mr. Chambers, of Kent, to insert an annual salary of “one thousand dollars;”

Mr. Jenifer moved to insert “twelve hundred dollars;”

Mr. McHenry moved to insert “fifteen hundred dollars;”

Mr. Dashiell moved to strike out the 22nd section and substitute in lieu of it the following:

“The Secretary of State shall be elected by the qualified voters of the whole State, at the same time the Governor shall be elected, and his term of office shall be the same as for Governor, and his salary shall be one thousand dollars per annum.”

The question was first put on the motion of Mr. McHenry, to insert “fifteen hundred dollars,” being the largest sum;

Mr. Lee moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Wells, Randall, Kent, Sollers, Jenifer, Howard, Buchanan, Hicks, Hodson, Grason, McHenry, Magraw, Brent, of Baltimore city, Presstman, Ware, Kilgour, and Hollyday—17.

NEGATIVE—Messrs. Blakiston, Pres’t. pro tem., Dent, Lee, Chambers, of Kent, Donaldson, Dorsey, Sellman, Weems,

Brent, of Charles, Lloyd, Dickinson, Sherwood, of Talbot, Cristfield, Dashiell, Williams, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Dirickson, McMaster, Fooks, Gaither, Biser, Sappington, Nelson, Carter, Hardcastle, Gwinn, Schley, Fiery, John Newcomer, Harbine, Davis, Brewer, Waters, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—47.

So the Convention refused to insert "fifteen hundred dollars."

The question was then put on the motion of Mr. Jenifer, to fill the blank with "twelve hundred dollars;"

Mr. Lee moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Wells, Randall, Kent, Sellman, Weems, Sollers, Brent, of Charles, Jenifer, Howard, Buchanan, Welch, Hicks, Hodson, Miller, Bowie, Tuck, Grason, Biser, McHenry, Magraw, Gwinn, Brent, of Balt. city, Presstman, Ware, Kilgour, and Hollyday—27.

NEGATIVE—Messrs. Blakistone, Pres't. pro tem., Dent, Lee, Chambers, of Kent, Dorsey, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Dashiell, Williams, Eccleston, Phelps, McLane, Dirickson, McMaster, Fooks, Shriver, Gaither, Sappington, Nelson, Carter, Schley, Fiery, John Newcomer, Harbine, Davis, Brewer, Waters, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—37.

So the Convention refused to fill the blank with "twelve hundred dollars."

Mr. John Newcomer moved to fill the blank with "eight hundred dollars."

The question was first taken on the motion of Mr. Chambers, of Kent, to fill the blank with "one thousand dollars;" and Determined in the affirmative.

The question then recurred and was put on the amendment offered by Mr. Dashiell, as a substitute for the 22nd section ;

Mr. Dashiell moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres't. pro tem., Dent, Hopewell, Lee, Buchanan, Bell, Dashiell, Hicks, Eccleston, Phelps, Miller, Dirickson, McMaster, Gaither, Sappington, Nelson, Carter, Ware, Fiery, John Newcomer, Harbine and Smith—22.

NEGATIVE—Messrs. Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Sollers, Brent, of Charles, Jenifer, Howard, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Williams, Hodson, Chambers, of Cecil, McLane, Bowie, Tuck, Grason, Fooks, Shriver, Biser, McHenry, Magraw, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Presttman, Davis, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Parke, Shower, and Brown—45.

So the Convention refused to accept the substitute.

Mr. Dirickson then moved to strike out the said 22nd section of said report ;

Mr. Dirickson moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Dent, Lee, Dashiell, Eccleston, Dirickson, McMaster, Fooks, Gaither, John Newcomer, and Smith—10.

NEGATIVE—Messrs. Blakistone, Pres't. pro tem., Hopewell, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellinan, Weems, Sollers, Brent, of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Williams, Hicks, Hodson, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Grason, Shriver, Biser, Sappington, McHenry, Magraw, Nelson, Carter, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Presstman, Ware, Fiery, Harbine, Davis, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Parke, Shower and Brown—59.

So the Convention refused to strike out the 22nd section.

On motion of Mr. Grason,

Said 22nd section was amended by striking out in the 1st line, the word "The," and inserting in lieu thereof the word "A."

The said 22nd section was then adopted as amended.

On motion of Mr. Sappington,

The Convention postponed the further consideration of the order of the day, to enable him to make the following report, as chairman of a select committee :

The committee appointed to enquire and report to this House whether or not it would be expedient to discharge some of the committee clerks and door-keepers, ask leave to report, that in their opinion, from the advanced condition of the business of this Convention—most of the committees having made their reports—it is no longer necessary or expedient to retain the services of the whole number of committee clerks. For this reason they recommend that the number be reduced. They conceive further that the duty impliedly devolves upon them to designate who of said committee clerks should be retained. Mr. John W. Rider was appointed by a separate order of this Convention clerk to the President and also to the committee on Accounts. His services will be required during the entire session of the Convention. Of the other committee clerks they recommend that Messrs. Geo. S. King, Samuel Peacock and Joseph Morritz be retained.

They do not think that any of the door-keepers should be discharged, as their services are still required.

In accordance with the above views, they recommend the adoption of the following resolution :

Resolved, That it being no longer necessary to retain in this Convention the services of the whole number of committee clerks

heretofore appointed, the following only be and they are hereby retained, that is to say, John W. Rider, Geo. S. King, Samuel Peacock and Joseph Morritz.

J. SAPPINGTON, Ch'n.

Which was read.

Mr. Crisfield, from the minority of said committee, submitted the following

REPORT :

The undersigned a member of the committee to whom was referred the enquiry "whether or not it would be expedient to discharge some of the door-keepers and committee clerks," begs leave to report that he finds there are three door-keepers—two for the hall of the Convention, and one for the Senate Chamber, which is daily used for the accommodation of the members of the Convention and its committees. He is of opinion that two door-keepers are necessary for the Hall, and that as long as the Senate Chamber is used as it has been during the whole of the session, a door-keeper for that apartment is absolutely necessary, for the protection of the public property and for the accommodation of the committees and members of the Convention. The undersigned therefore thinks it would not be expedient to discharge any of the door-keepers.

The undersigned finds that there are in the employment of the Convention a post-master, and seven committee clerks, one of whom performs the duties of clerk to the President, as well as those of clerk of the committee on accounts, and keep all the accounts of the Convention. His services are indispensable in the opinion of the undersigned.

The labor to be performed by the committee clerks of the Convention has not been great or arduous at any time, and it might well be doubted whether the number originally employed was not greater than was necessary; but, however that may have been, it is certainly true, the labor for which committee clerks are necessary is now over, or nearly performed. The undersigned is of opinion that there is not now, and it is not likely there will be during the residue of the session, labor sufficient to employ more than one-half of the present number of committee clerks. He is therefore of opinion that the public business would not be injured by dispensing with the services of three of the present clerks. The undersigned, however, wishes it to be distinctly understood, that in announcing this opinion, he does not intend to depreciate the characters and services of these officers, as far as he knows or has been informed, each of the clerks of this body has faithfully performed every service which has been required of them. The undersigned thinks a portion of them may be dispensed with, not because they are incompetent or unfaithful, but because their services are unnecessary.

The undersigned thinks it no part of the duty of the committee

to indicate which of the clerks can best be discharged. The resolution does not require the expression of any opinion on that subject.
J. W. CRISFIELD.

Which was read.

Mr. Brent of Balt. city, moved as a substitute for the reports of the majority and minority of said committee, the following:

Ordered, That on and after Monday next, no clerk, doorkeeper, or other officer be entitled to compensation when absent, unless upon leave of absence granted by the convention.

Which was read.

Mr. Tuck, moved to lay said reports and substitutes on the table;

Determined in the negative.

Mr. Hicks, moved to postpone said reports and substitute until the first Monday of May next;

Determined in the negative.

Mr. Brown, moved to postpone said reports and substitute until to morrow;

Determined in the negative.

Mr. Chambers of Kent, moved to amend the report of the majority committee by adding at the end of the resolution the following:

“And that the persons whose services are dispensed with, be allowed their per diem to Monday next, the 17th inst. “inclusive.”

Mr. Hicks, moved as a substitute for said reports and substitute, the following:

Ordered, That the reports of the committee appointed to enquire into the propriety of discharging some of the clerks and doorkeepers, be recommitted to the said committee, with instructions to said committee to write the names of each committee clerk and each doorkeeper, upon a separate piece of paper, and placed in a hat or box, and that the first three names drawn out be the clerks or doorkeepers to be discharged.

The President ruled the substitute to be out of order.

Mr. Pressman, moved the previous question, and being seconded;

The question was put on the adoption of the amendment as offered by Mr. Chambers of Kent, and

Determined in the affirmative.

The question was then put,

“Will the Convention accept the substitute as offered by Mr. Brent of Balt. city?”

Mr. Sappington, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres’t, pro tem., Dent, Hopewell, Mitchell, Wells, Weems, Sollers, Jenifer, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, McLane, Bowie,

Tuck, McMaster, Magraw, Carter, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Pressman, Ware, Kilgour and Waters—27.

NEGATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Sellman, Brent, of Charles, Howard, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Miller, Grason, Dirickson, Fooks, Shriver, Biser, Sappington, McHenry, Nelson, Hardcastle, Fiery, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Smith, Parke, Shower and Brown—36.

So the Convention refused to accept the substitute.

The question was then put on the adoption of the report of the majority committee.

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Sellman, Brent, of Charles, Howard, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Crisfield, Miller, Grason, Fooks, Shriver, Biser, Sappington, McHenry, Nelson, Carter, Fiery, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Smith, Parke, Shower and Brown—35.

NEGATIVE—Messrs. Blakistone, Pres't, pro tem., Dent, Hopewell, Mitchell, Wells, Weems, Sollers, Jenifer, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, McLane, Bowie, Tuck, Dirickson, McMaster, Magraw, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Pressman, Ware, Kilgour and Waters—27.

So the report of the majority committee was adopted.

On motion of Mr. Buchanan,

The Convention adjourned until to-morrow morning 10 o'clock.

FRIDAY, March 14th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Shriver, presented a petition of 80 voters of Middletown, Hauver's, and Catoctin Districts in Frederick county, remonstrating against the creation of a new county from parts of Frederick and Washington counties;

Which was read, and

Referred to the committee appointed on New Counties.

Mr. John Newcomer, presented a petition of sundry citizens of Washington county, praying that provision may be made in the new constitution, that the privilege to sell intoxicating liquor shall not be granted to any person in any part of the State, except the same shall first be sanctioned or approved by a majority of the votes in the election districts where the same is to be sold ;

Which was read, and

Referred to the select committee appointed on that subject.

On motion of Mr. Smith, it was

Ordered, That the committee on Printing, be directed to have printed for the use of the convention, in one tabular form, the various plans for a basis of representation of the House of Delegates.

Mr. Brent, of Balt. city, moved the Convention reconsider their vote of yesterday, upon the resolution adopted in relation to dispensing with the services of certain committee clerks.

Mr McHenry, moved to lay the motion on the table ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Sellman, Buchanan, Welch, McLane, Fooks, Shriver, Biser, McHenry, Nelson, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—27.

NEGATIVE—Messrs. Blakistone, Pres. p. t., Dent, Hopewell, Wells, Dalrymple, Jenifer, Ridgely, Dickinson, Sherwood, of Talbot, Crisfield, Dashiell Williams, Hicks, Hodson, Eccleston, Phelps, Bowie, Tuck, Sprigg, Bowling, Grason, Wright, Dirickson, McMaster, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Davis and Waters—31.

So the Convention refused to lay the motion on the table.

The question then recurred on the motion of Mr. Brent, of Balt. city, to reconsider ;

Mr. Buchanan, moved the previous question, and being seconded,

The question was put,

“Will the Convention reconsider their vote on said resolution?”

Mr. Buchanan, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakiston, Prest. p. t., Dent, Hopewell, Wells, Dalrymple, Jenifer, Dickinson, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Bowie, Tuck, Sprigg, Bowling, Dirickson, McMaster, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Davis, Kilgour and Waters—27.

NEGATIVE—Messrs. Lee, Chambers of Kent, Donaldson, Dorsey, Sellman, Buchanan, Welch, Ridgely, Sherwood of Talbot,

Grason, Wright, Fooks, Shriver, Biser, McHenry, Nelson, Carter, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—30.

So the Convention refused to reconsider their vote.

Mr. Biser, presented a petition signed by 392 citizens of Frederick county, praying for a new county to include all the Districts of said Middletown Valley in Frederick county, and such parts of Washington county as lie contiguous to said districts, and their counter petition for a new county to be composed of Jefferson, Petersville, Middletown and Catoclin districts of Frederick county, and Pleasant Valley, part of Boonsboro' and Sharpsburg in Washington county;

Which was read, and

Referred to the select committee on New Counties.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department.

The 23rd section was then read ;

Mr. Grason, moved to amend said section by striking out in the 2nd and 3rd lines of said sections, these words "and shall lay the same before either branch of the Legislature whenever required."

Mr. McLane moved to amend said section by inserting after the word "and," where it occurs the second time in the 2nd line, the words "The Governor," and after the word "and" in the 3rd line, by inserting "The Secretary of State;"

Mr. Grason, withdrew the amendment as offered by him.

The question was then put on the amendment as offered by Mr. McLane; and

Determined in the affirmative.

The said 23rd section was then adopted as amended.

Mr. Brent of Balt. city, in accordance with the notice given by him on yesterday, moved to reconsider the vote of the Convention on the 13th section ;

On the question being put,

"Will the Convention reconsider their vote on said section?" it was

Determined in the affirmative.

Mr. Brent of Balt. city, then moved the following as a substitute for said section :

Sec. 13. In all cases where the Governor has the power by the constitution or laws, to make any appointment to office, or in case any vacancy shall occur during the recess of the Senate, in any office to which the Governor has the power of appointment, he shall have power in the recess of the Senate, to make such ap

pointment or fill such vacancy by granting a commission which shall expire upon the appointment of the same person or any other person, by and with the advice and consent of the Senate, to the same office, or at the expiration of one calendar month ensuing the commencement of the next regular session of the Legislature, whichever shall first occur ;”

Which was read.

Mr. Crisfield, moved to amend said 13th section, by adding at the end thereof, the following :

“And the Governor may in the recess of the Senate, appoint and commission, subject to the limitations aforesaid, an additional number of such officers as are authorised by any law existing at the time of the appointment, which in its terms do not limit the number of such class of officers or of which the number limited has not been filled;”

Mr. Brent of Balt. city, moved as a substitute for said amendment, the following, to come in at the end of said 13th section :

“And in all cases whereby existing laws or any law hereafter to be passed, there are appointments to be made according to the discretion of the Governor, with or without limit as to number, then in such case, the Governor may in the recess of the Senate, grant temporary commissions as aforesaid.”

Mr. Crisfield, withdrew his amendment, and accepted the substitute of Mr. Brent, of Balt. city.

The question then recurred and was put upon the adoption of the amendment to the 13th section.

Determined in the affirmative.

The question was then put on the adoption of the substitute as offered by Mr. Brent, of Baltimore city, for the 13th section, and

Determined in the negative.

The question then recurred upon the adoption of the 13th section as amended.

Mr. Grason, offered as a substitute for said section the following:

“Section 13. In case any vacancy during the recess of the Senate in any office which the Governor has power to fill, he shall appoint some suitable person to fill said office, whose commission shall continue in force till the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur, and the nomination of every person thus appointed during the recess or of any other person in his place shall be made to the Senate within thirty days after the next meeting of the Legislature ;”

Which was read.

On motion of Mr. Chambers of Kent,

Said substitute was amended by inserting in the 1st line, after the word "vacancy," the words "may happen ;"

"Will the Convention accept the substitute as amended, for the 13th section of the report?"

Determined in the affirmative.

The said 13th section was then adopted.

Mr. Thomas, by permission of the Convention, withdrew the amendment offered by him on Saturday, the 8th inst., to the 5th section of the report, and substituted the following:

"The State shall be divided into four districts, Allegany, Washington, Frederick, Carroll and Baltimore counties, to be the first ; St. Mary's Charles, Prince George's, Anne Arundel, Howard and Montgomery counties, the second ; Baltimore city the third ; Harford and the eight counties on the Eastern Shore, the fourth district."

Mr. Chambers of Kent, gave notice of his intention to move a reconsideration of the 22nd rule for the purpose of introducing the following amendment :

"Whenever a question shall have been decided by yeas and nays, no motion to reconsider shall prevail, unless there shall be cast in favor of a reconsideration a larger number of votes than those of the majority on the original vote."

Mr. Brown, moved that the Convention take up for consideration the 2nd section of the report of the committee on the Executive Department, for the purpose of making it the order of the day for Thursday next.

Pending the question on this motion,

Mr. Phelps, moved the Convention adjourn ;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

SATURDAY, March 15th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

It being ascertained that a quorum was not present,

On motion of Mr. Phelps,
The Convention was called ;

When the Assistant Secretary called the name of Mr. Chandler, the President stated to the Convention that he had been requested by Mr. Chandler, to inform the Convention that he had been called home by the illness of a member of his family.

Mr. Spencer, when his name was called, stated that he was about leaving town, and asked of the Convention to be excused for a few days, as he had not been home since his return after the recess, and asked further to be excused from voting, as he had parted off with Col. Bowling.

Mr. Brent, of Balt. city, moved that the Sergeant-at-Arms be sent for the absent members.

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Welch, Dickinson, Sherwood, of Talbot, Phelps, Bowie, Tuck, Wright, McMaster, Fooks, Shriver, Nelson, Carter, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—30.

NEGATIVE—Messrs. Blakistone, Pres't, pro tem., Dent, Lee, Chambers, of Kent, Wells, Brent, of Charles, Jenifer, Buchanan, Ridgely, Crisfield, Williams, Hicks, Hodson, Eccleston, McLane, George and Dirickson—17.

So the Sergeant-at-Arms was sent with the Mace after the absent members, under the 15th rule to enforce their attendance.

The roll being first called, and a list of the absent members placed in his hands.

After being absent for a short time, the Sergeant-at-Arms returned accompanied with all the absent members he could find in the city.

A quorum not being in attendance,

Mr. Ridgely, moved the Convention adjourn ;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, pro tem., Dent, Wells, Welch, Ridgely, Hicks, Miller, McLane, Bowie, George, Wright, Fooks, McHenry, Presstman and Ware—15.

NEGATIVE—Messrs. Lee, Chambers, of Kent, Weems, Brent, of Charles, Jenifer, Dickinson, Sherwood, of Talbot, Crisfield, Dashiell, Williams, Hodson, Eccleston, Phelps, Tuck, Dirickson, McMaster, Shriver, Magraw, Nelson, Carter, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John

Newcomer, Harbine, Brewer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—36.

So the Convention refused to adjourn.

Mr. Dent, moved the Convention adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 10 o'clock.

MONDAY, March 17th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The roll having been called by the Assistant Secretary, and but forty-five members answering to their names and the Secretary having stated that there was not a quorum in the city.

At 12 o'clock, Mr. Bowie moved that the convention adjourn until to-morrow morning 10 o'clock.

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Brent, of Charles, Buchanan, Welch, Hicks, Hodson, Eccleston, Bowie, George, Wright, Fooks, McHenry, Carter, Sherwood, of Baltimore city, Prestman, Ware and Hollyday—17.

NEGATIVE—Messrs. Lee, Dorsey, Wells, Weems, Dickinson, Sherwood, of Talbot, Crisfield, Dashiell, Phelps, Miller, Dirickson, McMaster, Shriver, Magraw, Nelson, Hardcastle, Gwinn, Schley, Fiery, Neill, John Newcomer, Harbine, Weber, Slicer, Smith, Parke, Shower and Cockey—28.

So the Convention refused to adjourn.

A short time having elapsed,

Mr. Bowie renewed the motion to adjourn.

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

TUESDAY, March 18th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

Mr. Chapman, the honorable President being confined by indisposition, and Mr. Blackistone, the President pro tem., having been called home.

Mr. Ware, moved that Mr. Buchanan take the Chair;

And the question being put by the Secretary, it was

Determined in the affirmative,

The roll having been called,

Mr. Bowie, rose in his seat, and having stated that Mr. Chapman, the Honorable President, being confined by indisposition, moved that the Convention proceed to the election of a President pro tempore;

Determined in the affirmative.

Mr. Smith moved the vote be taken viva voce,

Determined in the affirmative.

The Convention then proceeded to the election of a President pro tem.

Mr. Bowie nominated the Honorable William Williams.

Mr. Shriver nominated the Honorable James M. Buchanan.

Mr. Smith moved that the Chair appoint tellers to count the vote and report the result.

Determined in the affirmative.

The Chair thereupon appointed Messrs. Phelps and Magraw tellers, to take the vote and report the result.

The tellers after taking the vote, reported that there were only fifty-one members that voted, which did not constitute a quorum.

The Honorable William Williams, being absent when his name was put in nomination, came in shortly after, and desired that he should be permitted to vote.

On his name being called, he voted for Mr. Buchanan.

Mr. Buchanan, when his name was called, voted for Mr. Williams.

Messrs. Phelps and Magraw, the tellers, then reported to the Convention that there were fifty-three votes taken, of which number, the Hon. James M. Buchanan received thirty-four votes, and the Hon. William Williams, received nineteen votes;

Whereupon the Hon. James M. Buchanan was duly elected President pro tem., having returned thanks to the Convention, accordingly took the Chair.

The Proceedings of Saturday and Monday were read.

Mr. Chambers of Kent, in accordance with the notice given by

him on Friday the 14th inst., moved to reconsider the 22nd rule of the Convention, for the purpose of introducing the following amendment:

“Whenever a question shall have been decided by yeas and nays, no motion to reconsider shall prevail, unless there shall be cast in favor of a reconsideration a larger number of votes than those of the majority on the original vote.”

Mr. Bowie, moved as a substitute for said amendment, the following:

“Resolved, that hereafter so much of the rule allowing a member who voted in the minority to move a reconsideration of any question, be and the same is hereby rescinded;”

Which was read.

Mr. Chambers of Kent, by permission of the Convention withdrew the amendment first offered by him and substituted in lieu of it, the following:

“Whenever a question shall have been decided by yeas and nays, no motion to reconsider shall prevail unless there shall be cast in favor of a reconsideration a number of votes at least equal to the number of votes given by the majority on the original question;”

Mr. Chambers of Kent, moved to lay said amendment and substitute on the table;

Determined in the affirmative.

Mr. Bowie, gave notice that on to-morrow he should move to take up said amendment and substitute.

Mr. Dorsey, gave notice that on to-morrow, he should move to amend the 17th rule, by adding at the end thereof, the following:

“But no member who has discussed any subject before the Convention, shall be permitted to move the previous question thereon, until a least two or more members have had an opportunity of replying to the mover of the previous question.”

Mr. Wright, presented a petition of sundry citizens of the State, praying that provision be made in the new constitution, that the privilege to sell intoxicating liquors in small quantities shall not be granted to any person in any part of the State or city, except the same shall first be sanctioned or approved by a majority of the voters in the county, election district or ward where the same is to be sold;

Which was read, and

Referred to the select committee already appointed on that subject.

Mr. Hicks, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the resolution adopted in relation to dispensing with the services of certain committee clerks.

Mr. Crisfield, from the minority of the committee on the Judiciary, submitted the following:

REPORT :

Section 1. There shall be a Court of Appeals, which shall have, use and exercise all and every the powers, authorities and jurisdictions, of the existing Court of Appeals, and such additional power, authority and jurisdiction as may be conferred by this Constitution, and laws made pursuant thereto; and its judgments shall be final and conclusive, in all cases whatever.

Sec. 2. The Court of Appeals shall hold its session at the Seat of Government, at least twice in every year, or oftener, if required by law; no judgment of reversal shall be rendered, except with the concurrence of at least three of the judges thereof; and in every case decided, an opinion in writing shall be filed, and provision shall be made by law, for publishing reports of cases argued and determined in the said court.

Sec. 3. The Judges of the present Court of Appeals, shall be Judges of the Court of Appeals hereby established; and shall hold their offices during good behavior, and subject to removal as now provided; and they shall have and be entitled to receive, at stated periods, the salaries hereinafter provided, which shall not be diminished, during their continuance in office; and from and after the period, when the number of said Judges shall be reduced to four, by death, resignation or removal, the Court of Appeals shall be composed of one chief judge, who shall be styled chief justice of the State of Maryland, and three associate judges.

Sec. 4. The Judges of the Court of Appeals to be appointed in pursuance hereof, shall be citizens of the United States, and shall have resided in this State at least five years next before the time of their respective appointments, and shall continue to reside herein, while they act as Judges; they shall be selected from among those who are most distinguished for integrity, wisdom and sound legal knowledge, and appointed by the Governor, by and with the advice and consent of the Senate; and shall hold their offices during good behaviour, removable for misbehaviour, on conviction in a court of law, or shall be removed by the Governor, upon the address of the General Assembly; provided, that two-thirds of the members of each House concur in such address; and shall each, at stated times, receive for their services a salary of twenty-two hundred dollars per annum, which shall not be diminished during the time of their continuance in office.

Sec. 5. There shall be a clerk of the Court of Appeals, and he shall be appointed by the judges of the said court; he shall be a citizen of the United States and shall have resided in this State at least five years next before the time of his appointment; and shall hold his office for the term of seven years, and until his successor shall be appointed and qualify, and he shall qualify in the manner, perform the duties, and be entitled to the fees of the clerks

of the said court on the Eastern and Western Shores, until otherwise provided by law.

Sec. 6. This State shall be divided into eight judicial districts, in manner and form following, to wit : Saint Mary's, Charles and Prince George's counties, shall be the first district ; Anne Arundel, Howard, Calvert and Montgomery counties, shall be the second district ; Frederick and Carroll counties, shall be the third district ; Washington and Allegany counties, shall be the fourth district ; Baltimore city shall be the fifth district ; Baltimore, Harford and Cecil counties, shall be the sixth district ; Kent, Queen Anne's, Talbot and Caroline counties, shall be the seventh district ; and Dorchester, Somerset and Worcester counties shall be the eighth district ; and there shall be appointed as hereinafter directed, one person, having the qualifications hereinafter prescribed, for each of the said judicial districts, except the fifth, to be judge thereof ; the said judges shall be styled district judges, and shall respectively hold a term of their courts at least twice in each year or oftener, if required by law, in each county, composing their respective districts ; and the said courts shall be called district courts for county in which it may be held ; and shall have, hold and exercise, in the several counties of this State, all and every, the powers, authorities and jurisdictions which the county courts of this State now have, hold and exercise, or which shall hereafter be prescribed by laws made pursuant to this constitution ; and the said judges in their respective districts, shall have, use and exercise all the powers, authorities and jurisdiction which the Chancellor of Maryland, as a judge in equity now has, uses and exercises, and the said Judges shall also be judges of the Orphans' courts of the several counties, composing their respective districts, and shall have, hold and exercise, all and every, the powers, authorities and jurisdiction which the Orphans' courts of this State now have, hold and exercise or which hereafter may be conferred by law.

Sec. 7. There shall be appointed as hereinafter provided, four persons having the requisite qualifications, for the fifth judicial district, to be Judges thereof ; who may sit jointly or separately as the exigencies of business may require ; and the said judges shall be styled district judges, and shall hold a term of their court at least twice in each year, and oftener if required by law ; and the said court shall be called the district court for the city of Baltimore, and shall have, hold and exercise in the said district, all and every, the powers, authorities and jurisdictions, which Baltimore county court, sitting for said city, Baltimore city court, and the Chancellor of Maryland, as a judge in equity, now have, hold and exercise therein ; and the said judges shall also be judges of the Orphans' court of Baltimore city, and have, hold and exercise, all and every, the powers, authorities and jurisdictions appertaining and belonging to the said Orphans' court within said city ; and the number of judges authorised by this section may be in-

creased by law, when such increase shall be required for the despatch of business in the said district, and such additional judges shall have the same powers, authorities and jurisdictions in all respects as are conferred by this section on the judges directed to be appointed; and the Legislature may establish within the city of Baltimore, a court of limited criminal jurisdiction for the trial of offences not punished capitally, which may be committed in the said city, define its powers and prescribe the number, tenure, mode of appointment, and compensation of the judges thereof, which shall be paid by the city of Baltimore.

Sec. 8. The Judges of the District Court shall respectively hold at least two terms in the city of Baltimore, and in each county comprising the judicial district as courts of law, at least two terms, for the transaction of Equity business within an intermediate day for the return of process; and at least four sessions of the Orphans' court in each county, or oftener if required by law.

Sec. 9. The General Assembly may, by law, not inconsistent with this Constitution, establish and define the jurisdiction of the courts of this State, prescribe rules of practice, and the course of business therein; and determine the number of terms of said courts, and the time and place of holding the same; but no law shall be passed to confer original jurisdiction in any case whatever, on the court of Appeals, or to require said court to sit elsewhere than at the seat of government; or to give Justices of the Peace jurisdiction in any case, when the matter or thing in controversy exceeds one hundred dollars in value; and all laws regulating and determining the jurisdictions of the Courts or Justices of the Peace; and for the administration of justice, shall, as far as practicable, be uniform throughout this State.

Sec. 10. The Judges of the several Judicial Districts shall be citizens of the United States, and shall have resided five years in this State, and two years in the Judicial District for which they may be respectively appointed, next before the time of appointment, and shall reside therein while they continue to act as Judges; they shall be selected from among those who having the other qualifications herein prescribed, are most distinguished for integrity, wisdom and sound legal knowledge, and appointed by the Governor, by and with the advice and consent of the Senate, and shall hold their offices during good behaviour, removeable for misbehaviour on conviction in a court of law, or shall be removed by the Governor, upon the address of the General Assembly, provided that two-thirds of the members of each House shall concur in such address; and the said judges shall each receive a salary of twenty-five hundred dollars per annum, and the same shall not be diminished during the time of their continuance in office; and no Judge of any court in this State who has a salary fixed by law shall receive any perquisite, fee or reward in addition thereto, for the performance of any judicial duty.

Sec. 11. If from sickness or any other unavoidable cause, any of the District Judges shall be unable to hold the regular term of his court, his place may be supplied by a Judge from another district to be selected by the Governor, or by a person of integrity and sound legal knowledge, to be appointed by the Governor as may be provided by law; and such judge, or the person so appointed, shall have and exercise for the time being, the same power, authority and jurisdiction, as the Judge whose place is thus supplied, and shall receive such compensation as may be provided by law; and if any District Judge shall be interested in any cause pending in any court of which he is judge, he shall not sit in the same, but upon a suggestion in writing of the interest of the Judge, verified by affidavit, the said cause shall be transferred to some county of an adjoining Judicial District, to be heard and determined, or the same proceedings may be had as are provided for in the case of the sickness of a Judge; and the Legislature shall provide rules to carry this section into effect.

Sec. 12. No suit shall be commenced in, or removed from any court to the court Chancery in this State, after official notice shall have been given of the adoption of this constitution by the people of this State; but all causes which may be pending in the said court at the time of the said notice shall be proceeded with in the said court, and determined according to the usual course of business therein; provided the same can be done in five years from the time aforesaid; and at the expiration of five years from the time of the giving of the said notice, the said court and the office of Chancellor shall be and are hereby abolished. If a vacancy shall occur within the period aforesaid, in office of Chancellor or of Register in Chancery, successors to them respectively shall be appointed as now provided for, to serve for the unexpired portion of said term, who shall have, and exercise the powers, authorities and jurisdiction, and perform the duties, and receive the salary, fees and emoluments respectively appertaining to said offices. If at the end of the said term of five years, any cause or business shall remain in said court unfinished, the General Assembly shall provide a method for the final determination thereof; and also for the disposition and safe keeping of the records of the said court.

Sec. 13. There shall be one register of wills, and one clerk of the district court in each county of this State and the city of Baltimore, who shall be citizens of the United States, and shall have resided in the State five years, and in the county in which he may be voted for, two years, and before the election, and shall be elected by a plurality of the qualified voters of the county or city; and shall perform the duties, and be entitled to receive the emoluments and fees, appertaining to the said offices respectively. They shall be commissioned by the Governor, and shall hold their offices for the term of six years; and until their successors shall have been elected and qualified; the time, place and manner of holding said election, and making returns thereof, and the

mode of determining contested elections for said officers shall be prescribed by law ; and in case of the death, resignation or disqualification of any Clerk or Register, a new election shall be held as aforesaid, at the next general election for Delegates to the General Assembly ; and in the mean time the Judge or Judges of the District in which said vacancy may occur, shall immediately appoint a person having the qualifications aforesaid to fill said vacancy ; and the person so appointed, shall be Register of Wills, or Clerk as the case may be, for the county or city for which he may be appointed ; and shall hold said office, discharge the duties, and be entitled to the fees and emoluments thereof, according to law, until the election and qualification of his successor ; and the Clerk for the district court for Baltimore city shall in addition to his other duties in like manner perform the duties and be entitled to the fees of the clerk of Baltimore city court ; and the General Assembly shall have full power to enlarge, alter or change the powers and duties of the said clerks and Registers, prescribe the mode of qualifying and fix, determine or alter their fees or compensation.

Sec. 14. Justices of the Peace of this State for the several counties and the city of Baltimore, shall be elected by the qualified voters of the county or city for which the election may be held, and shall hold their offices for the term of two years, and until their successors shall have been elected, and shall have qualified ; and the General Assembly shall, by law, prescribe the number of Justices of the Peace, for each county and city ; their duties and emoluments ; the time, place and manner of holding elections, the mode of making returns thereof, rules for determining contested elections ; for certifying the election and qualifications of the persons elected ; and for filling all vacancies which may occur ; but no person shall be a Justice of the Peace for any county or city, who shall not be entitled to vote therein at the time of his election.

Sec. 15. Constables, Coroners and Elizers shall be appointed as now prescribed by law, or in such manner as the General Assembly may direct.

Sec. 16. Sheriffs shall be elected in each county, and in the city of Baltimore every fourth year, that is to say, two persons for the office of Sheriff for each county, and two for the said city, the one of whom having the highest number of votes of the qualified voters of said county or city, or if both have an equal number, either of them, at the discretion of the Governor to be commissioned by the Governor for the said office, and having served for four years, such person shall be ineligible for the five years next succeeding ; bond with security, to be taken every year as usual and no sheriff shall be qualified to act before the same be given. In case of the death, refusal, disqualification or removal out of the county before the expiration of the four years ; the other person chosen as aforesaid shall be commissioned by the Governor to

execute the said office for the residue of the said four years, the said person giving bond with security aforesaid. No person shall be eligible to the office of sheriff but a resident of such county or city respectively, and who shall have been a citizen, of this State at least five years preceding his election, and above the age of twenty-one years. The two candidates properly qualified, having the highest number of legal ballots, shall be declared duly elected for the office of sheriff for such county or city, and return to the Governor with a certificate of the number of ballots for each of them.

Sec. 17. The General Assembly shall have full power to tax clerks or the District Courts, Registers of Wills and the clerk of the court of Appeals ; but all such taxes shall be in equal proportion, as far as practicable, according to the actual value of said office respectively.

Sec. 18. The Judges of the several county courts, Baltimore city court and the Orphans' Court of the several counties, Justices of the Peace, Registers of Wills and clerks of county courts of the several counties and Baltimore city court who may be in office at the time of the adoption of this constitution, shall remain in office, and continue to discharge the duties of their respective offices, until the appointment or election and qualification of the Judges, Justices of the Peace, Registers of Wills and Clerks, provided for by this constitution and no longer ; and the first election of Clerks, Registers, Justices of the Peace and Sheriffs, and all other officers, whose election by the people is provided for in this article of the constitution, shall take place throughout this State on _____ of _____ in the year eighteen hundred and fifty-two.

Sec. 19. To facilitate the despatch of business in the Orphans' courts of this State, the General Assembly shall by law, prescribe rules of practice in the said courts ; enlarge and define the powers and duties of registers of wills, and authorise them to pass such orders as may be necessary and proper, to bring any cause, suit or business depending in the said courts to a final hearing, and determination ; but no order, act or proceeding of the registers of wills of a judicial nature, shall not be final and conclusive until ratified and confirmed by the court.

ESTIMATES :

1st. Of the cost of the Judiciary system, hereby proposed :—
 4 Judges of the Court of Appeals at \$2,200 each, \$8,800 00
 11 District Judges at \$2,500 each, 27,500 00

Whole cost per annum when in full operation, \$36,300 00

2nd. Of the cost of the present Judiciary of this State including the supposed cost of 269 Justices of Magistrates' Courts, which are reported to be now in commission, as estimated by the committee on Judiciary, \$98,100 00

3rd. Of the cost of the system reported by the said committee, as estimated by themselves, 61,000 00
 Add for one Judge for Howard Co, now established, \$2,000 00

\$63,000 00

The system now submitted proposes to do the same work for a sum, scarcely more than half the cost of the system reported by committee, and a fraction only above one-third of what the committee estimate to be the cost of the present system; and it is submitted with a far greater probability of having it well and promptly done.

But this allusion to the estimated cost of the present system, must not be understood as an admission of the correctness of the committee's estimate; on the contrary, that estimate, is believed to be extravagant and far above the actual cost. The committee best understand the cost of their own scheme, and therefore their estimate of its cost \$61,000, is assumed to be correct.

Which was read, and

On motion of Mr. Crisfield,

Ordered to be printed.

The Hour having arrived for resuming the consideration of the order of the day, being the report submitted by Mr. Grason, chairman of the committee on the Executive Department;

Mr. Gwinn moved to postpone the consideration of said order of the day.

Determined in the affirmative.

On motion of Mr. Schley,

The Convention took up for consideration the report submitted by Mr. Shriver, on the 15th of February, as chairman of the committee on the Attorney General and his deputies.

The first section of said report having been read,

Mr. Crisfield moved to postpone the consideration of said section.

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Lee, Chambers of Kent, Donaldson, Wells, Weems, Brent of Charles, Jenifer, Crisfield, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Bowie, McMaster, Fooks, Sherwood, of Balt. city, Prestman, Weber, Hollyday, Slicer and Smith—24.

NEGATIVE—Messrs. Buchanan, Pres't, p. t., Dorsey, Welch, Dickinson, Sherwood of Talbot, Miller, McLane, George, Wright, Dirickson, Shriver, McHenry, Magraw, Nelson, Carter, Hardcastle, Gwinn, Brent of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Fitzpatrick, Pauke, Shower and Cockey—29.

So the Convention refused to postpone the consideration of said section.

Mr. McHenry then moved to amend said section by inserting after the word "State," in the 2nd line these words "at such rates of compensation as the General Assembly may prescribe," and by striking out all after the word "it" in the same line.

Mr. Dirickson moved as a substitute for said amendment to strike out all after the word "it," in the 2nd line of said section and substituting in lieu thereof the following :

"For whose services such compensation shall be made as the Legislature may allow ;"

Mr. McHenry, withdrew the amendment offered by him.

Mr. McLane, then offered as a substitute for said 1st section the following :

"In cases required by the public interest the Governor shall have power to employ counsel under such regulations as the Legislature shall prescribe ;"

Which was read.

Mr. Jenifer gave notice that at the proper time he should offer the following as a substitute for the 1st section of said report :

"There shall be an Attorney General appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall expire with that of the Governor, and whose duty and compensation shall be regulated by law ;"

Pending the question on the amendment offered by Mr Dirickson, and

After debate thereon,

On motion of Mr. Bowie,

The Convention adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, March 19th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Hicks, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention on the resolution adopted in relation to dispensing with the services of of certain committee clerks.

On the question being put,

“Will the Convention reconsider their vote?”

Mr. Sappington, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Weems, Dickinson, Crisfield, Williams, Hicks, Hodson, Eccleston, Phelps, Bowie, Spencer, Dirickson, McMaster, Magraw, Carter, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Kilgour and Waters—23.

NEGATIVE—Messrs. Buchanan, Pres’t, pro tem., Lee, Dorsey, Brent, of Charles, Jenifer, Howard, Welch, Chandler, Sherwood, of Talbot, Chambers of Cecil, Miller, McLane, Wright, Fooks, Shriver, Sappington, Nelson, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Cockey—30.

So the Convention refused to reconsider their vote on said resolution.

Mr. Bowie, (in accordance with the notice given by him on yesterday,) moved that the Convention take up for consideration the amendment offered by Mr. Chambers, of Kent, to the 22nd rule, and the substitute offered by him therefor.

Determined in the affirmative.

Mr. Bowie, then moved to lay said amendment and substitute on the table;

Determined in the affirmative.

Mr. Dorsey, (in accordance with the notice given by him on yesterday,) moved that the Convention take up for consideration the amendment offered by him to the 17th rule.

Determined in the affirmative.

On motion of Mr. Dorsey,

Said amendment was laid on the table.

On motion of Mr. Bowie,

The Convention then resumed the consideration of the unfinished business of yesterday, being the report submitted by Mr. Shriver, as chairman of the committee on the Attorney General and his Deputies.

The question pending before the Convention on yesterday, being on the motion of Mr. Dirickson, to amend the 1st section of said report, by striking out all after the word "it," in the 2nd line, to the end of said section, and substituting in lieu thereof the following :

"For whose services such compensation shall be made as the Legislature may allow ;"

Mr. Dirickson, with the consent of the convention so modified said amendment as to insert the word "thereafter," between the words "may" and "allow ;"

On the question being put,

"Will the Convention adopt said amendment?"

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Weems, Brent of Charles, Crisfield, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Dirickson, McMaster, Fooks, McHenry, Carter, Stewart of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Weber, Hollyday, Slicer, Fitzpatrick and Smith—30.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem., Morgan, Jenifer, Howard, Bell, Welch, Chandler, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Spencer, Wright, Shriver, Sappington, Nelson, Hardcastle, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Kilgour, Brewer, Parke, Shower and Cockey—29.

So the amendment was adopted.

The question then recurred upon the adoption of the substitute as offered by Mr. McLane, on yesterday for the 1st section of the report, being in these words : "in cases required by the public interest, the Governor shall have power to employ counsel under such regulations as the Legislature shall prescribe ;"

Mr. Jenifer then moved as a substitute for said 1st section and substitute, the following :

"There shall be an Attorney General appointed by the Governor, by and with the advice and consent of the Senate, whose term of office shall expire with that of the Governor, and whose duty and compensation shall be regulated by law ;"

Mr. Spencer moved for a division of the question upon striking out.

Mr. Gwinn, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE. —Messrs. Morgan, Wells, Sellman, Weems, Jenifer, Crisfield, Williams, Hodson, Eccleston, Phelps, Bowie, Spencer, Brent of Baltimore city, Kilgour, Hollyday, Smith and Shower—17.

NEGATIVE.—Messrs. Buchanan, Pres't, p. t., Lee, Chambers of Kent, Donaldson, Dorsey, Brent of Charles, Howard, Bell, Welch, Chandler, Dickinson, Sherwood of Talbot, Dashiell, Chambers of Cecil, McCullough, Miller, McLane, Wright, Dirickson, McMaster, Fooks, Shriver, Sappington, McHenry, Magraw, Nelson, Carter, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Slicer, Fitzpatrick, Parke and Cockey—43.

So the Convention refused to strike out.

The question then recurred upon the adoption of the 1st section as amended.

Mr. McLane, moved to amend said report by striking out said 1st section as amended, and substituting in lieu thereof the following :

“In cases required by the public interest, the Governor shall have power to employ counsel under such regulations as the Legislature shall prescribe;”

Mr. Weems, offered as a substitute for said section and substitute, the following:

“The Governor, with the advice and consent of the Senate, shall have power to appoint an Attorney General for the State, whose term of office shall be years; and it shall be the duty of said Attorney General to attend to all cases in which the State may be concerned, and the annual compensation to said officer shall be two thousand dollars, for services rendered within the limits of the State; it shall also be his duty to attend to any case beyond the limits of the State, whenever required so to do by the Governor, and for services performed out of this State, he shall receive such additional compensation as may be allowed by the Legislature at its first session after such services shall have been performed;”

Determined in the negative.

The question then recurred upon the adoption of the substitute as offered by Mr. McLane;

Mr. Crisfield moved to amend said substitute by adding at the end thereof the following:

“But no law shall be passed to establish the office of Attorney General;”

Mr. Kilgour, moved the Convention adjourn,

Determined in the negative.

The question then recurred upon the amendment as offered by Mr. Crisfield, to the substitute offered by Mr. McLane, for the 1st section of the report as amended.

Mr. Crisfield, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Pres't, p. t., Lee, Chambers of Kent, Donaldson, Dorsey, Brent of Charles, Jenifer, Bell, Welch, Dickinson, Sherwood of Talbot, Dashiell, Eccleston, Chambers of Cecil, McCullough, Miller, McLane, Wright, Dirickson, McMaster, Fooks, Shriver, Sappington, McHenry, Magraw, Nelson, Carter, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Cockey—45.

NEGATIVE—Messrs. Morgan, Wells, Sellman, Weems, Howard, Chandler, Crisfield, Williams, Hodson, Phelps, Bowie, Spencer, Kilgour and Shower—14.

So the amendment was adopted.

The question then recurred on the adoption of the substitute as offered by Mr. McLane, and amended on the motion of Mr. Crisfield, for the 1st section of the report as amended.

Mr. Morgan, moved the Convention adjourn ;

Determined in the negative.

Mr. Spencer moved for a call of the Convention.

Mr. Chambers of Kent, moved the Convention adjourn ;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

THURSDAY, March 20th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Biser, presented a petition of 36 citizens of Frederick county, praying for the creation of a new county, to be composed of the whole of Middletown Valley, from the Pennsylvania line to the Potomac, including such portions of Washington county as are contiguous to the districts named.

Which was read, and

Referred to the committee on New Counties.

On motion of Mr. Dorsey,

The Convention took up for consideration the amendment offered by him on the 18th inst., to the 17th rule ;

The said amendment having been read.

The question was put,

“Will the Convention adopt said amendment ?”

Determined in the negative.

Mr. Bowie gave notice that on to-morrow, he should move the following as an additional rule:

“No member shall speak more than a half hour on any subject under debate.”

Mr. McHenry moved the following order :

Ordered, That the debate on the article of the constitution reported by the committee on the Attorney General and his Deputies, shall terminate this day at 2 o'clock, P. M.; when each amendment pending, or which may be offered, shall be passed upon without any further discussion than explanatory remarks, not extending beyond five minutes by the several proposers of such amendment ;

Which was read.

Mr. Smith moved to lay said order on the table ;

Determined in the negative.

The question then recurred and was put on the adoption of the order, and

Determined in the affirmative.

On motion of Mr. Gwinn,

The Convention then resumed the consideration of the unfinished business of yesterday, being the report submitted by Mr. Shriver, as chairman of the committee on the Attorney General and his Deputies ;

The question pending before the Convention on yesterday, being on the adoption of the substitute as offered by Mr. McLane, and amended on the motion of Mr. Crisfield, for the 1st section of the report ;

Mr. Dirickson moved to amend said section by inserting between the words “prescribe,” and “but,” the following:

“Whose compensation and mode of payment shall be made as the Legislature may thereafter direct ;”

Determined in the affirmative.

The question then recurred and was put on the adoption of the section as amended, and

Determined in the affirmative.

Mr. Fitzpatrick, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Pres't, pro tem., Lee,

Chambers of Kent, Donaldson, Dorsey, Sellman, Brent of Charles, Merrick, Jenifer, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood of Talbot, Dashiell, Chambers of Cecil, McCullough, Miller, McLane, Bowie, Wright, Dirickson, McMaster, Sappington, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Cockey—46.

NEGATIVE—Messrs. Morgan, Wells, Kent, Weems, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Shriver, Brent of Balt. city, Kilgour, Brewer, Waters and Shower—17.

So the 1st section as amended was adopted.

Mr. Biser, when his name was called on the yeas and nays just taken, assigned as a reason for not voting, that he had paired off with Mr. Davis, from Montgomery, until the arrival of the cars this morning.

Mr. Spencer when his name was called on the yeas and nays, assigned as a reason for not voting, that he had paired off with Col. Bowling, from Prince George's county.

Mr. Merrick, moved to reconsider the vote of the Convention adopting the 1st section of said report for the purpose of moving to strike out the word "thereafter," and inserting in lieu thereof "hereafter ;"

Determined in the negative.

The 2nd section was then read.

On motion of Mr. Shriver,

Said section was amended by striking out the words "Howard District," wherever it occurs in said section.

Mr. Shriver, moved further to amend said section by inserting after the word "Attorney," in the 3rd line, the following :

"Who shall discharge in the several counties and the city of Baltimore, all the duties and exercise all the powers heretofore discharged or exercised by the Attorney General and his Deputies; and it shall be the duty of the clerk of the Court of Appeals and the Register of Chancery, whenever a case shall be brought into either of those courts, in which the State is a party, or have an interest, to notify the Governor thereof, to enable him to employ counsel to protect the interest of the State in said courts, &c."

Which was read.

Mr. Dorsey, moved to amend said amendment by inserting after the word "shall," in the 1st line, these words: "as to all business originating in their respective counties;"

Which amendment Mr. Shriver accepted.

Mr. Dorsey moved further to amend said amendment by insert-

ing after the words "to enable him," these words: "if he deem necessary ;"

This amendment Mr. Shriver also accepted.

The question then recurred and was put upon the adoption of the amendment as amended, and

Determined in the affirmative.

The said section having been read through as amended ;

On motion of Mr. Dorsey,

Said section was further amended by inserting after the words "court of chancery," the words "or register of the land office;" and by striking out the word "there," and inserting "said," and after the word "courts" in the same line, inserting "or offices," and also by striking out the word "prosecuting," before the word "Attorney," and inserting the word "States;"

On motion of Mr. Shriver,

Said section was further amended by striking out in the 3rd line, printed report, the word "who," and inserting in lieu thereof these words "the said State's Attorney;"

On motion of Mr. John Newcomer,

Said section was further amended by striking out in the 5th line, the word "three," and inserting "four;"

On motion of Mr. Smith,

Said section was further amended by striking out in the 7th line the word "disqualification," and inserting the word "incompetency;"

The said 2nd section was then adopted as amended.

The 3rd, 4th, 5th and 6th sections were then read ;

Mr. Shriver, moved to amend the 7th section of said report by striking out in the 2nd line the words "Wednesday of October next," and inserting in lieu thereof "Monday of November;"

Mr. Dirickson, moved as a substitute for said amendment, to strike out in said section the words "first Monday of October," and insert in lieu thereof the words "the Tuesday after the first Monday of November;"

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Lee, Chambers, of Kent, Dorsey, Wells, Kent, Brent, of Charles, Merrick, Jenifer, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Dirickson, McMaster, John Newcomer, Waters and Smith—24.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem., Donaldson, Sellman, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, George, Wright, Shriver, Biser, Sappington, McHenry,

Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Cockey—39.

So the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. Shriver,

Mr. Shriver withdrew said amendment.

Mr. John Newcomer, then moved to amend said 7th section by striking out in the 2nd line the words "first Wednesday of October next," and inserting in lieu thereof "second Wednesday of October 1852;"

Mr. Spencer, moved as a substitute for said amendment, to strike out in said section the words "first Monday of October next," and insert "first Monday of May 1852;"

Mr. Shriver, moved for a division of the question which was put upon striking out.

Mr. Sappington, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Kent, Sellman, Jenifer, Welch, Chandler, Crisfield, Dashiell, Williams, Hodson, George, Wright, Stewart, of Caroline, Ware, Schley, John Newcomer, Waters, Weber, Hollyday, Slicer and Smith—25.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem., Morgan, Wells, Weems, Brent, of Charles, Merrick, Howard, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Hicks, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Shriver, Biser, Sappington, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Neill, Harbine, Kilgour, Brewer, Fitzpatrick, Parke and Shower—42.

So the Convention refused to strike out.

The question then recurred and was put on the adoption of the 7th section, and

Determined in the affirmative.

Mr. Howard, moved to amend said report by striking out the 3rd, 4th, 5th, 6th and 7th sections of said report and substituting in lieu thereof the following :

"Section 3. The State's Attorneys in the several counties of the State, and the city of Baltimore shall be elected when the Governor's election shall take place, and in the event of any vacancy occurring in said offices, the court of the county or city where such vacancy shall occur, shall have power to fill such vacancy until the next regular election for Governor takes place,

the fees and commissions to the State's Attornies shall be the same as are now allowed by law to the attorney general and his deputies, subject to such change from time to time, as the Legislature may provide, and the Legislature may provide by law all necessary rules and regulations in relation to said officers, not inconsistent with the purposes of this constitution; the first election shall take place for State's Attorney, at the same time and place where the members of the next House of Delegates shall be elected, and the officers then chosen shall hold their offices until the next election for Governor."

Which was read.

Mr. Shriver, moved for a division of the question, which was put upon striking out, and

Determined in the negative.

The report having been read through as amended,

The question was put,

"Will the convention adopt said report as amended?"

Determined in the affirmative.

On motion of Mr. Shriver,

Said report as amended and adopted was ordered to be printed.

The Convention then took up for consideration the special order of the day, being the several reports of the committee on Representation ;

Mr. Kilgour, moved that the said order of the day be postponed until Monday next ;

Mr. Schley, moved that said order of the day be postponed until Monday week ;

The question was first taken on the motion of Mr. Schley, being the longest time ;

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Wells, Dalrymple, Jenifer, Sherwood, of Talbot, Sappington, Brent, of Baltimore city, Schley, Fiery, Neill, John Newcomer, Harbine, Kilgour, Waters and Smith—15.

NEGATIVE—Messrs. Buchanan, Pres't, p. t., Lee, Chambers, of Kent, Donaldson, Dorsey, Randell, Kent, Sellman, Weems, Brent, of Charles, Merrick, Howard, Bell, Welch, Lloyd, Dickinson, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Sprigg, McCubbin, George, Wright, Dirickson, McMaster, Shriver, Biser, McHenry, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Cockey—53.

So the Convention refused to postpone until Monday week.

The question then recurred and was put on the motion of Mr. Kilgour, to postpone said reports until Monday next; and

Determined in the negative.

The Convention then proceeded to the consideration of said reports;

The first section having been read in the report submitted by Mr. Merrick, chairman of the committee on Representation;

Mr. Bowie, moved that the Convention adjourn;

Determined in the negative.

On motion of Mr. Bowie,

The said reports were then read through for information.

Mr. Bowie, moved the Convention adjourn;

Mr. Schley, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Buchanan, Pres't, pro tem., Morgan, Dorsey, Wells, Randall, Sellman, Dalrymple, Brent, of Charles, Merrick, Jenifer, Chandler, Dickinson, Hicks, Goldsborough, Phelps, Chambers, of Cecil, McCullough, Bowie, Sprigg, McCubbin, Sappington, Nelson, Ware, Harbine, Kilgour and Waters—26.

NEGATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Weems, Howard, Bell, Welch, Lloyd, Sherwood, of Talbot, Crisfield, Dashiell, Williams, Hodson, Eccleston, Miller, McLane, George, Wright, Dirickson, Shriver, Biser, McHenry, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Brewer, Weber, Hollyday, Fitzpatrick, Smith, Parke, Shower and Cockey—40.

So the Convention refused to adjourn.

Mr. Hicks, moved to postpone said reports until Tuesday week;

Mr. Merrick, moved to postpone said reports until Saturday next;

Mr. Chandler, moved the Convention adjourn;

Determined in the negative.

The question then recurred on the motion of Mr. Hicks, to postpone said reports until Tuesday week;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Dorsey, Wells, Randall, Weems, Dalrymple, Jenifer, Sherwood, of Talbot, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Dirickson, Sappington, Schley, Neill, John Newcomer, Harbine, Kilgour, Waters and Smith—25.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem., Lee, Cham-

bers of Kent, Donaldson, Sellman, Brent, of Charles, Merrick, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Williams, Chambers, of Cecil, Miller, Bowie, McCubbin, George, Wright, Shriver, Biser, McHenry, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Balt. city, Ware, Fiery, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Cockey—39.

So the Convention refused to postpone said reports until Tuesday week.

The question was then put on the motion of Mr. Merrick, to postpone said reports until Saturday next, and

Determined in the negative.

The first section of said report submitted by Mr. Merrick, as chairman of the committee on Representation, having been read;

Mr. Donaldson, moved to strike out said first section;

Determined in the affirmative.

On motion of Mr. Kilgour,

The Convention then adjourned until to-morrow morning 10 o'clock.

FRIDAY, March 21st, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

On motion of Mr. Crisfield, it was

Ordered, That it be entered upon the Journal, that the absence of Mr. Dashiell, of Somerset, is occasioned by the illness of a member of his family.

On motion of Mr. Mitchell, it was

Ordered, That it be entered upon the Journal, that his absence from the Convention for several days past, was occasioned by indisposition.

On motion of Mr. Jenifer, it was

Ordered, That it be entered upon the Journal, that Mr. Chapman, the Hon. President, is detained at home by the illness of a member of his family.

On motion of Mr. Brown, it was

Ordered, That it be entered upon the Journal, that his absence from the Convention for several days past was occasioned by indisposition.

On motion of Mr. Dorsey,

(By the unanimous consent of the Convention,) he was permitted to amend the amendment offered by him on yesterday, to the 2nd section of the report of the committee on the Attorney General and his Deputies, on page 466 of the Journal, by adding at the end thereof these words "or the city of Baltimore;"

Mr. Kilgour, presented a petition of sundry citizens of the State praying that provision be made in the new constitution to restrict the privilege of selling intoxicating liquors, &c.,

Which was read, and

Referred to the committee already appointed on that subject.

The Convention then resumed the consideration of the order of the day, being the several reports of the committee on Representation.

Mr. Fiery, moved to amend the report submitted by Mr. Merrick, as chairman of the committee on Representation, by striking out all after the words "the House of Delegates;" in the 2nd section, 1st line, and inserting in lieu thereof the following :

"Shall be composed of seventy-three members, to be apportioned among the several counties and city of Baltimore, according to the ratio herein provided, and to their several numbers, (as shown by the last census of the United States,) which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, three-fifths of the slaves, and allowing to each county one additional delegate for a fraction exceeding three-fourths of the ratio, but each county shall be entitled to at least two delegates. The ratio shall be one delegate to every six thousand of said population in said counties and city, until the number of the House of Delegates shall be sixty-nine, and thereafter the ratio shall be one to every thirty-two thousand;"

Counties,	Population.	No. of Deleg's.
Allegany,	22,584	4
Anne Arundel,	20,871	3
Baltimore county,	40,082	6
Carroll,	20,220	3
Caroline,	9,370	2
Calvert,	7,824	2
Cecil,	18,601	3
Charles,	12,329	2
Dorchester,	17,162	3
Frederick,	37,419	6
Harford,	18,498	3

Counties,	Population.	No. of Deleg's.
Kent,	10,608	2
Montgomery,	13,815	2
Prince George's,	16,946	3
Queen Anne's,	12,776	2
Saint Mary's,	11,359	2
Somerset,	20,224	3
Talbot,	12,158	2
Washington,	30,108	5
Worcester,	17,490	3
Baltimore city,	167,830	10
Howard,	12,000	2
Total,		<hr/> 73

Which was read.

Mr. Schley offered as a substitute for said amendment, to strike out all after the words "the House of Delegates;" in the 1st line, 2nd section, and insert in lieu thereof the following:

"Shall consist of sixty-nine members, to be apportioned among the several counties, according to the following rates: Every county shall elect one delegate for every six thousand souls, federal numbers, it may contain, and for any fraction above three-fourths of said number, there shall be allowed to every county having such excess, one additional delegate. The city of Baltimore shall be entitled to the same number of delegates as the county which shall be entitled to the largest representation, and no county shall have less than two delegates."

Which was read.

Mr. Merrick, moved to amend said report by striking out all the first part of the 2nd section, down to the word "rule," in the 5th line, and inserting in lieu the following:

"The members of the House of Delegates, shall be apportioned to the several counties of the State, and the city of Baltimore in conformity with the following rule;"

Mr. Brown being in the Chair, decided this amendment not to be in order, as there were two amendments already pending.

The question was then put on the amendment offered by Mr. Schley, as a substitute for the amendment offered by Mr. Fiery.

Mr. Schley, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Sappington, Schley, John Newcomer and Smith—4.

NEGATIVE—Messrs. Buchanan, President, pro tem., Morgan, Blakistone, Hopewell, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Brent of Charles, Merrick, Jenifer, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot,

Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Chambers of Cecil, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, George, Wright, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Sherwood of Baltimore city, Presstman, Ware Fiery, Neill, Harbine, Davis, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—77.

So the Convention refused to accept the substitute.

The question then recurred upon the amendment offered by Mr. Fiery.

Mr. Schley, then offered as a substitute for said amendment to strike out all after the words "the House of Delegates," in the 1st line, 2nd section, and insert the following:

"Shall consist of sixty-seven members, to be apportioned among the several counties according to the following ratio: Every county shall elect one delegate for every seven thousand souls it may contain, and for every fraction above half of said number, there shall be allowed to every county having such excess, one additional delegate; the city of Baltimore shall be entitled to the same number of delegates as the county which shall be entitled to the largest representation, and no county shall have less than two delegates;"

Which was read.

Mr. Schley withdrew said amendment.

Mr. Merrick, then moved the amendment offered by him this morning to said section to strike out all the first part of said section, down to the word "rule," inclusive, and insert the following:

"The members of the House of Delegates shall be apportioned to the several counties of the State and the city of Baltimore, in conformity with the following rule;"

Determined in the affirmative.

On motion of Mr. Merrick,

Said section was further amended by adding at the end thereof the following:

"And the Legislature shall at their first regular session after the authoritative promulgation of each decennial census of the people of the United States, declare by resolution the number of Delegates to which each county and city in the State may be entitled according to the basis herein fixed and the returns of said census."

The question then recurred upon the adoption of the amendment as offered by Mr. Fiery, to the said 2nd section of the report.

Mr. Fiery, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Buchanan, Pres't, pro tem., Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Thawley, Stewart, of Caroline, Hardcastle, Stewart of Baltimore city, Presstman, Ware, Fiery, Neill, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Cockey and Brown—39.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Sappington, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Schley, John Newcomer, Davis, Kilgour, Waters, Smith and Shower—44.

So the amendment was rejected.

When Mr. Nelson's name was called, Mr. Magraw, stated that Mr. Nelson had paired off on the Representation question with Mr. John Dennis, and did not vote.

The question then recurred on the adoption of the 2nd section as amended ;

Mr. Jenifer moved further to amend said section by adding at the end thereof the following proviso:

“Provided no county shall have less than three delegates.”

Mr. Shower, gave notice of his intention to move a reconsideration of the vote of the Convention rejecting the amendment offered by Mr. Fiery, to the 2nd section of the report.

The question then recurred on the adoption of the amendment offered by Mr. Jenifer, as a proviso to the end of the 2nd section.

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Davis, Kilgour, and Waters—35.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem., Donaldson, Sellman, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, Nelson, McHenry, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber,

Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—49.

So the amendment was rejected.

Mr. Hicks, moved the Convention adjourn ;

Determined in the negative.

The question then recurred and was put upon the adoption of the 2nd section as amended ;

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Brent, of Charles, Merrick and Annan—4.

NEGATIVE—Messrs. Buchanan, Pres't pro tem., Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Jenifer, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, John Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, George, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Prestman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—78.

So the 2nd section as amended was rejected.

Mr. Chambers, of Kent, then moved to amend said report by substituting in place of the 2nd section stricken out, the following:

“Every county having a population of less than fifteen thousand souls, shall be entitled to three delegates ; every county having a population of fifteen thousand souls and less than twenty five thousand, shall be entitled to four delegates ; every county having a population of twenty-five thousand and less than thirty-five thousand souls, shall be entitled to five delegates, and every county having a population of more than thirty-five thousand souls, shall be entitled to six Delegates ; and the city of Baltimore shall be entitled to the same number of delegates as the county which shall be entitled to the largest representation ;”

Which was read.

Mr. Blakistone, moved the Convention adjourn ;

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Chambers, of Kent ;

Mr. Chambers, of Kent, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud,

Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Brent, of Charles, Jenifer, John Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Davis, Kilgour and Waters—34.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem, Donaldson, Sellman, Merrick, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—50.

So the amendment was rejected.

Mr. Schley then moved to amend said report by inserting in place of the 2nd section stricken out, the following :

"Shall consist of sixty-seven members, to be apportioned among the several counties, according to the following ratio: Every county shall elect one delegate for every seven thousand souls it may contain, and for any fraction above half of said number, there shall be allowed to every county having such excess, one additional delegate. The city of Baltimore shall be entitled to the same number of delegates as the county which shall be entitled to the largest representation, and no county shall have less than two delegates ;"

Which was read.

Mr. Dorsey, offered as a substitute for said amendment, the following :

Art. 2. The House of Delegates shall, until altered by the Legislature as hereinafter provided for, consist of eighty-three members ; to be apportioned among the counties and city of Baltimore, as follows : one delegate to each county and the city of Baltimore as the representative of the territory thereof ; and one delegate for every eight thousand of its inhabitants, and one for every fraction thereof, exceeding four thousand, until the entire population of the county or city to the number of forty thousand shall be represented ; and for every thirty thousand inhabitants of any county or the city of Baltimore, above the said forty thousand one additional delegate shall be elected in such county or city. And after every decennial census, the General Assembly of Maryland shall adjust the representation in the House of Delegates according to the principles contained in this article of the constitution. And in order that each and every portion of the city of Baltimore may be fairly represented, and its various interests protected in the Legislature, for the purpose of electing delegates therein, the city of Baltimore shall be divided into ten districts as follows : The

first and second wards as now laid off, shall constitute District No. 1; the third and fourth wards, District No. 2; the fifth and sixth wards, District No. 3; the seventh and eighth wards, District No. 4; the ninth and tenth wards, District No. 5; the eleventh and twelfth wards, District No. 6; the thirteenth and fourteenth wards, District No. 7; the fifteenth and sixteenth wards, District No. 8; the seventeenth and eighteenth wards, District No. 9; and the nineteenth and twentieth wards, District No. 10. The qualified voters in each of said districts shall at the time and in the manner, in which delegates are chosen, elect one delegate, who has been for one year next before his election a resident of a ward from which he shall be elected; and has in all other respects the requisite qualifications of a delegate.

Art. 3. Of the eighty-three members constituting the House of Delegates, Allegany county shall elect four, Anne Arundel county four, Baltimore city ten, Baltimore county six, Carroll county four, Caroline county two, Calvert county two, Cecil county three, Charles county three, Dorchester county three, Frederick county six, Harford county three, Howard county three, Kent county two, Montgomery county three, Prince George's county four, Queen Anne's county three, St. Mary's county three, Somerset county four, Talbot county three, Washington county five, and Worcester county three.

Which was read.

Mr. Dirickson, moved the Convention adjourn ;

Determined in the negative.

On motion of Mr. Dirickson,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Lee, Donaldson, Dorsey, Wells, Randall, Sellman, Dalrymple, Bond, John Dennis, Cusfield, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Dirickson, McMaster, Fooks, Annan, Davis, Kilgour, Brewer and Waters—29.

NEGATIVE—Messrs. Buchanan, Pres't, pro tem., Ricaud, Chambers, of Kent, Mitchell, Kent, Weems, Brent, of Charles, Merrick, Jenifer, Howard, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Williams, Chambers, of Cecil, McCullough, Miller, McLane, Bowling, Spencer, George, Wright, Shriver, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Prestman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—55.

So the Convention refused to adjourn.

At half-past 3 o'clock, P. M.,

Mr. Bowie, moved the Convention adjourn;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Dickinson, Sherwood, of Talbot, John Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Annan, Davis, Kilgour and Waters—37.

NEGATIVE—Messrs. Buchanan, Pres't., p. t., Brent, of Charles, Merrick, Jenifer, Howard, Bell, Welch, Chandler, Lloyd, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, McHenry, Magraw, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—47.

So the Convention refused to adjourn.

After debate,

Mr. Blakistone, renewed the motion to adjourn;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

SATURDAY, March 22nd, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Ricaud, gave notice of his intention to move a reconsideration of the vote of the Convention upon the report of the committee on the Attorney General and his Deputies, for the purpose of moving the following as an additional section to said report:

“Sec. 8. The several State's Attorneys before discharging the

duties of their office shall at the term of the county or city court next succeeding their election, or in case of appointments by the court, then at the term of the court of their appointment, shall execute a bond to the State of Maryland, with security to be approved by said county or city court in the penalty of thousand dollars, conditioned for the faithful payment into the Treasury of the State of all sums of public money that shall be received by them respectively."

The Convention then resumed the consideration of the order of the day, being the several reports of the committee on Representation ;

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Dorsey, as a substitute for the amendment offered by Mr. Schley, to amend the 2nd section of the report submitted by Mr. Merrick, as chairman of the committee on Representation.

After debate thereon,

Mr. Shower, in accordance with the notice given by him on yesterday, moved to reconsider the vote of the Convention, rejecting the amendment offered by Mr. Fiery, on yesterday to the 2nd section of the report.

Mr. Shower, withdrew the motion, but renewed the notice of his intention hereafter to move a reconsideration of the vote of the Convention on the amendment offered by Mr. Fiery, to said report.

Mr. Merrick, also gave notice of his intention to move to reconsider the vote of the Convention on the 2nd section of the report.

The Convention then resumed the consideration of the amendment offered by Mr. Dorsey, as a substitute for the amendment offered by Mr. Schley, for the 2nd section of the report.

After debate thereon,

Mr. Sherwood of Balt. city, moved the Convention adjourn until Monday morning 12 o'clock;

Determined in the affirmative.

On motion of Mr. John Newcomer,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Pres't p. t., Blakistone, Hopewell, Ricand, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Welch, Chandler, John Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Johnson, Biser, Annan, Sappington, Magraw, Brent of Balt. city, Sherwood of Balt. city, Pressman, Ware, Davis, Waters, Weber, Fitzpatrick and Smith—51.

NEGATIVE—Messrs. Morgan, Mitchell, Brent, of Charles,

Merrick, Jenifer, Howard, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Shriver, Gaither, McHenry, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Schley, Fiery, John Newcomer, Harbine, Brewer, Hollyday, Slicer, Parke, Shower, Cockey and Brown—33.

So the Convention accordingly adjourned until Monday morning 12 o'clock.

MONDAY, March 24th, 1851.

The Convention met,

Mr. Chapinan, the Honorable President, appeared in the Convention and resumed the chair.

Prayer by the Rev. Mr. Graff.

The proceedings of Saturday were read.

The President laid before the Convention a petition of sundry citizens of Dorchester county, praying for a modification of the license system;

Mr. Ridgely, presented two petitions of sundry citizens of Baltimore county, one signed by 60 citizens, and the other by 30 citizens, praying a provision in the constitution against licenses to Ordinaries, &c.; and

Mr. Colston presented a petition of sundry citizens of the 2nd election district in Talbot county, of similar import;

Which were severally read, and

Referred to the select committee appointed on that subject.

The Convention then resumed the consideration of the order of the day, being the several reports of the committee on Representation.

The question pending before the Convention on Saturday, being on the amendment offered by Mr. Dorsey on the 21st inst., as a substitute for the amendment offered by Mr. Schley, to the 2nd section of the report submitted by Mr. Merrick, as chairman of the committee on Representation.

After debate thereon,

At 3 o'clock, P. M.,

Mr. Brent of Balt. city, moved that the Convention adjourn;

Which motion he waived to enable Mr. Shower to renew the notice of his intention, when the debate is closed on the amendments pending, to move a reconsideration of the vote of the Convention on the amendment offered by Mr. Fiery, to said report.

The Convention then adjourned until to-morrow morning 10 o'clock.

TUESDAY, March 25th, 1851.

The Convention met;

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read:

Mr. Grason, presented a petition of sundry citizens of Queen Anne's county, praying that provision be made in the new constitution, that the privilege to sell intoxicating liquors in small quantities, shall not be granted to any person in any part of the State or city, except the same shall first be sanctioned or approved by a majority of the voters in the county, election district, or ward where the same is to be sold;

Which was read, and

On motion of Mr. Grason,

Referred to the select committee already appointed on that subject.

The Convention then resumed the consideration of the order of the day being the several reports of the committee on Representation.

The question pending before the Convention, being on the amendment offered by Mr. Dorsey, on the 21st inst., as a substitute for the amendment offered by Mr. Schley, to the 2nd section of the report submitted by Mr. Merrick, as chairman of the committee on Representation.

After debate thereon,

At 3 o'clock, P. M.;

On motion of Mr. Johnson,

The Convention adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, March 26th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Biser, presented a petition of 52 citizens of Frederick county, praying that provision may be made in the new constitution to prevent the sale of intoxicating drinks, except the same shall first be sanctioned or approved by a majority of the voters in the county, election district or ward where the same is to be sold; and

Mr. Parke, presented a petition of 49 citizens of Carroll county, of similar import ;

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Howard submitted the following order:

Ordered, That the Convention will on _____ day next at _____ o'clock, unless the debate shall have ceased before that time, proceed to vote upon the various motions, propositions, articles and amendments, which may be pending touching the subject of Representation.

Which was read.

Mr. Morgan, moved to fill the first blank in said order with "Saturday."

Determined in the negative.

Mr. Merrick, moved to fill the first blank with "Friday."

Mr. Stewart of Caroline, moved to fill the first blank with "Thursday ;"

The question was first put on the motion of Mr. Merrick, to fill the blank with "Friday," being the longest time; and

Determined in the affirmative.

Mr. Merrick, then moved to fill the second blank with "two."

Mr. Brown, moved to fill the second blank with "twelve."

Mr. Buchanan, moved to fill said blank with "one."

Mr. Harbine, moved to fill said blank with "three."

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres'r, Morgan, Blakistone, Dent, Hopewell, Lee, Dorsey, Jenifer, Sherwood, of Talbot, Colston, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Magraw, Nelson, Thawley, Stewart, of Caroline, Haidcastle, Fiery, Harbine, Davis, Kilgour, Hollyday and Smith—34.

NEGATIVE—Messrs. Ricaud, Mitchell, Donaldson, Randall, Kent, Sellman, Weems, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Chandler, Ridgely, John Dennis, James U. Dennis, Williams, Hicks, Goldsborough, Bowie, Sprigg, Grason, George, Wright, Shriver, Gaither, Biser, Annan, Stephenson, Gwinn, Stewart of Balt. city, Brent of city, Sherwood, of Balt. city, Ware, John Newcomer, Michael Newcomer, Brewer, Weber, Fitzpatrick, Parke, Shower, Cockey and Brown—43.

So the Convention refused to fill the second blank with "three."

The question then recurred upon the motion of Mr. Merrick, to fill the blank with "two."

Mr. Dirickson moved to lay said order and amendments on the table;

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Dent, Hopewell, Ricaud, Lee, Weems, Dalrymple, Bond, John Dennis, James U. Dennis, Hicks, Goldsborough, Phelps, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—21.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Mitchell, Donaldson, Dorsey, Randall, Kent, Sellman, Brent, of Charles, Merrick, Jenifer, Howard, Buchanan, Bell, Chandler, Ridgely, Sherwood of Tal., Colston, Williams, Chambers of Cécil, McCullough, Miller, McLane, Bowie, Sprigg, Bowling, Spencer, Grason, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—62.

So the Convention refused to lay the order and amendments on the table.

The question again recurred and was put on the motion of Mr. Merrick, to fill the second blank with "two;" and

Determined in the affirmative.

The said order having been read through as amended.

Mr. Brown, moved further to amend said order by adding at the end thereof the following :

"But that five minutes be allowed for explanation to any member offering any proposition or amendment;"

Determined in the affirmative.

The said order was then adopted as amended.

Mr. James U. Dennis, submitted the following order :

Ordered, That no member of this Convention be allowed to speak more than thirty minutes upon the question of Representation;

Which was read.

Mr. Phelps, moved to amend said order by striking out "thirty minutes," and inserting in lieu thereof "one hour."

The President announced that the hour had arrived for taking up the order of the day ;

Mr. Hicks, moved to postpone the order of the day ;

Determined in the affirmative.

The question then recurred upon the motion of Mr. Phelps, to amend the order offered by Mr. James U. Dennis, by striking out "thirty minutes," and inserting "one hour;"

Mr. James U. Dennis, by permission of the Convention, modified his order by striking out "thirty minutes," and inserting "forty-five minutes;"

The question then recurred and was put on the motion of Mr. Phelps, to strike out "forty five minutes," and insert "one hour;"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Chambers of Kent, Mitchell, Donaldson, Dorsey, Randall, Kent, Sellman, Dalrymple, Bond, Brent of Charles, Merrick, Jenifer, Buchanan, Chandler, Ridgely, Williams, Goldsborough, Phelps, Miller, Sprigg, McCubbin, McMaster, Gaither, Magraw, Pressman, Davis, Kilgour, Waters and Smith—33.

NEGATIVE—Messrs. Chapman, President, Lee, Howard, Bell, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Chambers of Cecil, McLane, Bowie, Bowling, Spencer, Grason, George, Wright, Dirickson, Hearn, Fooks, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Thawley, Stewart of Caroline, Hardcastle, Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Ware, Fiery, John Newcomer, Haybine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—46.

So the amendment was rejected.

Mr. Merrick, then moved to amend said order by inserting after the word "Convention" in the 1st line, these words "after to-morrow."

Mr. Smith, moved that the Convention suspend further proceedings on said order and proceed to the consideration of the order of the day;

Determined in the affirmative.

The Convention then resumed the consideration of the order of the day, being the several reports of the committee on Representation.

The question pending before the Convention, being on the amendment offered by Mr. Dorsey, on the 21st inst., as a substitute for the amendment offered by Mr. Schley, to the 2nd section of the report submitted by Mr. Merrick, as chairman of the committee on Representation.

Mr. Dorsey, (by consent of the Convention,) amended his substitute, by adding at the end thereof the following:

And the residence in the district requisite to give a right of suffrage in voting for delegates, shall be six months next preceding the election, but in case any voter otherwise qualified shall have resided less than six months in the district of his then residence,

he shall not thereby wholly loose his right to vote for a delegate, at the then pending election, but shall be entitled to cast his vote for a delegate in the district in which he may have resided for the six months next preceding his removal to the district of his existing residence, and the Legislature may pass all laws necessary to carry into effect this article of the Constitution."

Mr. Phelps, offered as a substitute for the amendment offered by Mr. Schley, as the 2nd section of the report, and the substitute offered by Mr. Dorsey, the following:

"Each county in this State and the city of Baltimore, shall be entitled to one Senator; the House of Delegates shall consist of sixty-one members, and shall be apportioned among the counties and the city of Baltimore, as at present, save and except that of deducting one member from each county, and the city of Baltimore ;"

Which was read,

Mr. Dorsey, (with the unanimous consent of the Convention,) gave notice of his intention at the proper time that he should offer the following amendment, which he desired should be entered upon the record :

Art. The House of Delegates shall until altered by the Legislature as hereinafter provided for, consist of sixty-two members to be apportioned amongst the counties and city of Baltimore, as follows:—One delegate to each county and the city of Baltimore, as the representative of the territory or population thereof, without respect to numbers, and one delegate for every thirteen thousand inhabitants, and one for every county having a fraction thereof, exceeding six thousand five hundred, until the entire population of the county or city to the number of thirty-nine thousand shall be represented; and for every twenty-one thousand six hundred and seventy inhabitants of any county or the city of Baltimore above the said thirty-nine thousand, one additional delegate shall be elected in such county or city, until the year eighteen hundred and sixty-one, when every county or the city of Baltimore for every fifty thousand inhabitants it may have, above one hundred and sixty-nine thousand, shall be entitled to one additional delegate; and after the year eighteen hundred and seventy-one, every county or the city of Baltimore having a population over one hundred and sixty-nine thousand shall have but one additional delegate to its ten delegates for every one hundred thousand inhabitants; and after every decennial census, the General Assembly of Maryland shall adjust the representation in the House of Delegates according to the principles contained in this article of the constitution. And in order that each and every portion of the city of Baltimore, and of the populous counties, may be fairly represented, and their various interests protected in the Legislature; for the purpose of electing delegates therein, the city of Baltimore shall be divided into ten districts, as follows: The first and second

wards, as now laid off, shall constitute District No. 1, the third and fourth wards District No. 2, the fifth and sixth wards District No. 3, the seventh and eighth wards District No. 4, the ninth and tenth wards No. 5, the eleventh and twelfth wards No. 6, the thirteenth and fourteenth wards No. 7, the fifteenth and sixteenth wards No. 8, the seventeenth and eighteenth wards No. 9, the nineteenth and twentieth wards No. 10. And every county shall by the General Assembly be divided into as many districts as the county is entitled to delegates, and numbered accordingly, and the qualified voters in each of said districts, shall at the time and in the manner, in which delegates are chosen, elect one delegate, who has been for one year, next before his election, a resident of the ward from which he shall be elected, and has in all other respects, the requisite qualifications of a delegate. And the residence in the district, requisite to give a right of suffrage in voting for delegates, shall be six months next preceding the election. But in case any voter otherwise qualified, shall have resided less than six months in the district of his then residence, he shall not thereby wholly lose his right to vote at the then pending election; but shall be entitled to cast his vote for a delegate in the district in which he may have resided for the six months next preceding his removal to the district of his existing residence. And the Legislature may pass all laws necessary to carry into effect this article of the constitution.

Art. 3. Of the sixty-two members constituting the House of Delegates, Allegany county shall elect three, Anne Arundel county three, Baltimore city ten, Baltimore county four, Carroll county three, Caroline county two, Calvert county two, Cecil county two, Charles county two, Dorchester county two, Frederick county four, Harford county two, Howard county two, Kent county two, Montgomery county two, Prince George's county three, Queen Anne's county two, St. Mary's county two, Somerset county three, Talbot county two, Washington county three, and Worcester county two.

After debate,

On motion of Mr. Biser,

The Convention was called;

On motion of Mr. Dirickson,

Further proceedings under the call was dispensed with.

After further debate, and

At 3 o'clock, P. M.,

Mr. Kilgour, moved the Convention adjourn;

Which motion he waived to enable Mr. Randall to give notice of his intention at the proper time to offer the following amendment which he desired should be entered upon the record.

Article 1st. The House of Delegates shall, until altered by the Legislature, after every decennial census hereafter, consist of eighty-three members; and in order that each portion of the State

may be fairly represented and its various interests protected in the Legislature, the whole State shall be divided into separate single election districts, the city of Baltimore shall henceforth be divided into ten districts as follows, viz: The first and second wards as now laid off, shall constitute district No. 1; the third and fourth wards, district No. 2; the fifth and sixth wards, district No. 3; the seventh and eighth wards, district No. 4; the ninth and tenth wards, district No. 5; the eleventh and twelfth wards, district No. 6; the thirteenth and fourteenth wards, district No. 7; the fifteenth and sixteenth wards, district No. 8; the seventeenth and eighteenth wards district No. 9; and the nineteenth and twentieth wards district No. 10; and the several counties shall be divided by the Legislature at its first session after the adoption of this constitution, into districts of compact contiguous territory, equal in number to the number of Delegates to which they may respectively hereby be entitled; no one district to elect more than one delegate; and every district in each county to be as nearly as practicable of equal population with the other districts of that county. The qualified voters in each of the said districts shall, at the time and in the manner in which Delegates are chosen, elect one Delegate, who has been for one year next before his election, a resident of the ward or district from which he shall be elected; and has, in all other respects the requisite qualifications of a delegate—and the residence in the district requisite to give a right of suffrage of voting for Delegates shall be six months next preceding his election; but in case any voter otherwise qualified shall have resided less than six months in the district of his then residence, he shall not thereby wholly lose his right to vote for a delegate at the then pending election, but shall be entitled to cast his vote for a delegate in the district in which he may have resided for the six months next preceding his removal to the district of his existing residence, and the Legislature may pass all laws necessary to carry into effect this article of the constitution.

Art. 2nd. Of the eighty-three members constituting the House of Delegates, Allegany county shall elect four, Anne Arundel county four, Baltimore city ten, Baltimore county six, Carroll county four, Caroline county two, Calvert county two, Cecil county three, Charles county three, Dorchester county three, Frederick county six, Harford county three, Howard county three, Kent county two, Montgomery county three, Prince George's county four, Queen Anne's county three, St. Mary's county three, Somerset county four, Talbot county three, Washington county five, Worcester county three.

The Convention then adjourned until to-morrow morning 10 o'clock.

THURSDAY, March 27th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

The President laid before the Convention the following communication from Henry G. Wheeler, Esq., Reporter to the Convention

ANNAPOLIS, March 26th, 1851.

To the President of the Convention :

SIR :—I have the honor to request that you will lay before the Convention the following statement :

I am, sir, your obedient servant,

HENRY G. WHEELER, Reporter to the Con.

The undersigned feels it due to the Convention and to himself, to submit the following brief statement of the condition of the fund appropriated for the reporting of the debates.

The amount appropriated for that object was four thousand dollars. The sum already drawn from the fund, together, with that due for debates not yet published, may be estimated at upwards of three thousand dollars. By the 5th of April, the appropriation will be nearly or quite exhausted.

Carrying out what he has assumed to be the general desire of the Convention, that the sentiments of members on the topics of Representation and the Judiciary system should be presented fully to the people, the undersigned provided himself some time since with the force requisite for that object.

When in January last, the undersigned entered upon the existing contract for "sketches of debates," it was his expectation, as it was understood to be, that of the Convention generally, that its labors would terminate by the fifteenth of March. That period has passed, and the termination of the session is still a matter of doubt.

In the performance of his contract, under many disadvantages, the undersigned feels that he has discharged his obligations faithfully—and he believes, generally speaking with satisfaction. The reports have been circulated throughout the State, and the public eye has been enabled to follow every movement of the Convention. The debates have never been allowed to accumulate forty-eight hours on the hands of the Reporter, and are now written up to Tuesday, March 24th.

As the time approaches when the appropriation will yield no further means, it will become necessary for the Convention to decide whether the present system of reporting shall be arrested when the fund is exhausted.

But the undersigned desires it to be understood, that in no event will he desert his post. Although he may be compelled to re-

main in the Convention alone, he will be found there in the daily discharge of his duties as faithfully as mere individual effort *can* discharge them. And he will rely upon the justice of the Convention for that support which will enable him, after the close of his labors, to return to his home without pecuniary sacrifice.

HENRY G. WHEELER.

Which was read, and

On motion of Mr. Morgan,

Referred to the committee on Printing.

Mr. Shower, gave notice of his intention on to-morrow during the hour of morning business, to move a reconsideration of the vote of the Convention on the amendment offered by Mr. Fiery, to the report of the committee on Representation.

Mr. McMaster, presented an account of the clerk of Worcester county court, for services rendered under the order of the Convention.

Which was read, and

Referred to the committee on Accounts.

Mr. Dirickson, gave notice of his intention to move a reconsideration of the vote of the Convention on the order adopted on yesterday, limiting the debate to two o'clock on Friday, upon the various motions, propositions and amendments pending touching the subject of Representation.

The President then announced the unfinished business of yesterday, being the order submitted by Mr. James U. Dennis allowing no member to speak more than forty-five minutes upon the question of Representation.

Mr. John Dennis moved to postpone the consideration of said order.

Determined in the affirmative.

Mr. Dirickson, then moved the Convention reconsider their vote on the order adopted on yesterday, limiting the debate upon the various amendments pending, touching the subject of Representation, to two o'clock on Friday.

On motion of Mr. Brown,

The Convention was called, and the Doorkeeper sent for the absent members.

On motion of Mr. Phelps,

Further proceedings under the call was dispensed with.

Mr. Phelps, then moved that the Convention proceed to the consideration of the order of the day.

Determined in the affirmative.

Thereupon, the Convention then resumed the consideration of the special order of the day, being the several reports of the committee on Representation ;

The question pending before the Convention being on the substitute offered by Mr. Phelps on yesterday, as a substitute for the amendment offered by Mr. Schley, as the second section of the report, and the substitute offered by Mr. Dorsey.

After debate thereon,

At ten minutes past 3 o'clock, P. M.,

Mr. Dirickson, moved the Convention adjourn ;

Which motion he waved to enable Mr. John Newcomer to move the following order :

Ordered, That the Convention take a recess until half-past 7 o'clock, P. M.

Which was read.

Mr. Tuck, moved to amend said order by striking out "seven o'clock," and inserting "four o'clock ;"

Which amendment Mr. John Newcomer accepted.

At twenty minutes past 3 o'clock ; P. M.,

Mr. Dirickson, moved the Convention adjourn ;

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 10 o'clock.

FRIDAY, March 28th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

On motion of Mr. Dorsey, it was

Ordered, That it be entered upon the Journal that Mr. Davis, is called home by the indisposition of a member of his family.

On motion of Mr. Weber, it was

Ordered, That it be entered upon the Journal that the absence of Mr. Sherwood, of Talbot, is occasioned by the indisposition of a member of his family.

Mr. Gaither, presented a petition of 65 citizens of Frederick county, praying that a clause be inserted in the constitution of this State, empowering a majority of the legal voters of any county, district, city or ward, to restrict the sale of intoxicating liquors as a beverage, in their respective counties, wards or district.

Which was read, and

Referred to the select committee already appointed on that subject.

The President announced the unfinished business of yesterday, being the order submitted by Mr. James U. Dennis, allowing no member to speak more than forty-five minutes upon the question of Representation.

On motion of Mr. Spencer,

The Convention was called, and the Doorkeeper sent for the absent members.

On motion of Mr. Dirickson,

Further proceedings under the call was dispensed with.

Mr. Dirickson moved the Convention take up for consideration the motion made by him on yesterday, to reconsider the vote of the Convention, limiting the debate upon the various amendments pending, touching the subject of Representation, to two o'clock this day.

Determined in the affirmative.

The question was then put,

"Will the Convention reconsider their vote on said order?"

Mr. Brown, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Bond, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, McCubbin, Dirickson, McMaster, Heern, Fooks, Jacobs, Kilgour, Waters and Smith—28.

NEGATIVE—Messrs. Blakistone, Kent, Sellman, Brent, of Charles, Merrick, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimose city, Brent, of Balt. city, Sherwood of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—55.

So the Convention refused to reconsider their vote on said order.

The hour having arrived for taking up the the special order of day, the Convention resumed the consideration of the several reports of the committee on Representation;

The question pending before the Convention being on the substitute offered by Mr. Phelps, as a substitute for the amendment offered by Mr. Schley, as the 2nd section of the report and the substitute offered by Mr. Dorsey.

After debate thereon,
 And at 2 o'clock P. M.,
 Mr. Sollers, moved the Convention adjourn,
 Determined in the negative.

Mr. Shower, gave notice of his intention on to-morrow to move a reconsideration of the vote of the Convention on the amendment offered by Mr. Fiery, to the report of the committee on Representation.

The said substitute offered by Phelps, having been read ;
 Mr. Blakistone, moved for a division of the question upon each branch of said substitute ;

The question was then put on the first branch of said amendment, being in the words :

“Each county in this State and the city of Baltimore, shall be entitled to one Senator ;”

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Sollers, Brent of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Kilgour, Brewer, Waters, Weber, Fitzpatrick and Smith—58.

NEGATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Prestman, Ware, Fiery, John Newcomer, Harbine, Michael Necomer, Anderson, Hollyday, Slicer, Parke, Shower, Cockey and Brown—35.

So the first branch of said substitute was adopted.

The question was then put on the 2nd branch of said substitute, being in these words :

“The House of Delegates shall consist of sixty-one members, and shall be apportioned among the counties and the city of Baltimore, as at present, save and except that of deducting one member from each county and the city of Baltimore.”

The yeas and nays being ordered appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Sollers, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling,

Dirickson, McMaster, Hearn, Fooks, Jacobs, John Newcomer, Kilgour and Waters—30.

NEGATIVE—Messrs. Chapman, Morgan, Pres't, Blakistone, Dent, Hopewell, Donaldson, Sellman, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Balt. city, Presstman, Ware, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—63.

So the 2nd branch of said substitute was rejected.

The question then recurred upon the adoption of the first branch of the amendment;

Mr. Stephenson, moved to amend said amendment by adding at the end thereof the following:

“The members to the House of Delegates shall be apportioned among the several counties of this State, according to the number of souls, federal numbers, therein, (as shown by the last census of the United States) taking six thousand for the ratio, and allowing one additional delegate to each county, having a fraction equal to two-thirds of said ratio; and the city of Baltimore shall be entitled to elect as many delegates as the county which shall have the largest representation, on the basis aforesaid; provided, that each county shall, although its federal population may not entitle it to that number, have at least two delegates.

Counties,	Fed. Numbers.	No. of Deleg's.
Allegany,	22,584	4
Anne Arundel,	20,871	3
Baltimore county,	40,082	7
Carroll,	20,220	3
Caroline,	9,370	2
Calvert,	7,824	2
Cecil,	18,601	3
Charles,	12,329	2
Dorchester,	17,162	3
Frederick,	37,419	6
Harford,	18,498	3
Kent,	10,608	2
Montgomery,	13,815	2
Prince George's,	16,946	3
Queen Anne's,	12,776	2
Saint Mary's,	11,359	2
Somerset,	20,224	3

Talbot,	12,158	2
Washington,	30,108	5
Worcester,	17,490	3
Baltimore city.	167,830	7
Howard,	12,000	2
Total,		<hr/> 71

Which was read.

Mr. McMaster, moved the Convention adjourn;

Mr. Mitchell, moved the question be taken by yeas and nays,
Which motion was not sustained.

The question then recurred and was put on the motion to adjourn, and

Determined in the negative.

The question then recurred and was put on the amendment as offered by Mr. Stephenson, to the amendment as offered by Mr. Phelps;

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Chambers, of Kent, Dorsey, Wells, Randall, Kent, Jacobs, Sappington, Stephenson, Nelson, Hardcastle, John Newcomer and Smith—13.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Lee, Mitchell, Donaldson, Sellman, Weens, Dalrymple, Bond, Sollers, Brent, of Charles, Merick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Coision, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Balt., city, Sherwood, of Balt. city, Prestman, Ware, Fiery, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Weber Holyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—78.

So the amendment was rejected.

Mr. Jacobs, when his name was called, desired it to be stated on the Journal, that he voted aye, on this question, not that it reflected his, or his constituents' sentiments; as both he and his constituents are opposed to all compromise on the question of representation; but with a view to secure, under cover of this vote, something better than the proposition itself.

Mr. John Newcomer, then moved to amend said amendment by adding at the end hereof, the following :

“Shall consist of sixty seven members, to be apportioned among the several counties according to the following ratio: Every county shall elect one delegate for every seven thousand souls

it may contain, and for every fraction above half of said number, there shall be allowed to every county having such excess, one additional delegate; the city of Baltimore shall be entitled to the same number of delegates as the county which shall be entitled to the largest representation, and no county shall have less than two delegates;”

Mr. Tuck, rose to the following point of order, that the amendment offered by Mr. John Newcomer, was not in order, for the reason that it was substantially the same as that offered by Mr. Schley, and rejected by the Convention.

The Chair ruled the amendment to be in order because that part of the amendment offered by Mr. Phelps, was rejected, leaving Mr. Schley’s amendment relating to the subject of the House of Delegates still unacted upon.

Mr. Dorsey, then offered as a substitute for said amendment the amendment offered by him on Friday, the 21st inst., and to be found on page 476 of Journal;

Which was read, and

Mr. Crisfield, moved for a division of the question upon each branch of said substitute.

The question was then put on the 1st branch of said substitute being in these words:

“The House of Delegates shall, until altered by the Legislature as hereinafter provided for, consist of eighty-three members, to be apportioned amongst the counties and city of Baltimore, as follows: One delegate to each county and city of Baltimore as the representative of the territory thereof;”

Mr. Crisfield, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Welis, Randall, Kent, Weems, Dalrymple, Bond, Sollers, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—37.

NEGATIVE—Messrs. Sellman, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Pressman, Ware, Fiery, John Newcomer, Harbine Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Sicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—53.

So the 1st branch was rejected.

Mr. Dorsey, then withdrew the 2nd branch of said substitute.

The question then recurred upon the adoption of the amendment as offered by Mr. John Newcomer;

Mr. Tuck offered as a substitute for said amendment, the following;

“The House of Delegates shall be composed of seventy-three members,—each county and the city of Baltimore shall have one member for territory, and one additional member for every nine thousand inhabitants, and one additional member for every fraction over, one half of the said ratio of nine thousand according to the census of 1850; provided that no county or city shall have a larger delegation than one-twelfth of all the members. That is to say :—

	Delegates.
Allegany county, shall have	4
Anne Arundel county	3
Howard county	2
Baltimore county	6
Carroll county	3
Caroline county	2
Calvert county	2
Cecil county	3
Charles county	3
Dorchester county	3
Frederick county	6
Harford county	3
Kent county	2
Montgomery county	3
Prince George's county	3
Queen Anne's county	3
Saint Mary's county	3
Somerset county	3
Talbot county	3
Washington county	4
Worcester county	3
Baltimore city	6
Total	73

Which was read,

Mr. Miller, moved for a division of the question on said substitute, so that the question be taken on that part of said substitute to the word “territory” inclusive;

The chair stated as his opinion, that the substitute was not capable of division, and therefore ruled the motion out of order.

At 20 minutes past 3 o'clock, P. M.,

Mr. Phelps, moved that the Convention adjourn;

Determined in the negative.

The question then recurred on the adoption of the substitute as offered by Mr. Tuck.

Mr. Hearn, moved the Convention adjourn;

Determined in the negative.

The question again recurred on the adoption of the substitute as offered by Mr. Tuck;

On the question being put,

Will the Convention accept said substitute?

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—39.

NEGATIVE—Messrs. Donaldson, Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Balt. city, Sherwood, of Baltimore city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—51.

So the Convention refused to accept said substitute.

Mr. Jenifer, then offered as a substitute for said amendment, the following:

The House of Delegates shall be composed of 82 members as follows:—

Allegany county	4 members.
Anne Arundel county	3
Baltimore county	6
Carroll county	3
Caroline county	3
Cecil county	3
Charles county	3
Dorchester county	3
Harford county	3
Kent county	3
Prince George's county	3
Montgomery county	3
Queen Anne's county	3
St. Mary's county	3
Somerset county	3
Talbot county	3
Washington county	5

Frederick county	6
Worcester county	3
Howard county	3
Baltimore city	10
	—
	82

Which was read.

At 20 minutes of 4 o'clock, P. M.,

Mr. Dorsey, moved the Convention adjourn;

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Lee, Dorsey, Wells, Weems, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Hicks, Goldsborough, Eccleston, Phelps, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Brewer, Waters, and Smith—31.

NEGATIVE—Messrs. Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Randall, Sellman, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Crisfield, Williams, Constable, Chambers, of Cecil, Miller, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Sherwood, of Baltimore city, Prestman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—59.

So the Convention refused to adjourn.

The question then recurred on the adoption of the substitute as offered by Mr. Jenifer.

On motion of Mr. Phelps,

The Convention was called.

On motion of Mr. Brown,

Further proceedings under the call was dispensed with.

Mr. Bowie, moved the Convention adjourn;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Dent, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Weems, Dalrymple, Bond, Brent, of Charles, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Waters, Anderson, Hollyday and Smith—35.

NEGATIVE—Messrs. Blackistone, Hopewell, Ricaud, Donaldson, Kent, Sellman, Merrick, Howard, Buchanan, Bell, Welch,

Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Tuck, Bowling, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Sherwood, of Balt. city, Prestman, Ware, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—53.

So the Convention refused to adjourn.

On motion of Mr. Hicks,
The Convention was called ;

On motion of Mr. John Newcomer,
Further proceedings under the call was dispensed with.
At 4 o'clock, P. M.,

Mr. Blakistone renewed the motion to adjourn.

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Brent, of Charles, Bell, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Johnson, Waters, Anderson and Smith—37.

NEGATIVE—Messrs. Hopewell, Donaldson, Sellman, Merrick, Howard, Buchanan, Welch, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Stewart, of Balt. city, Brent, of Balt. city, Prestman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Cockey—46.

So the Convention refused to adjourn.

Mr. Mitchell, moved a call of the House, and being ordered ;

Mr. Blakistone, at 10 minutes past 4 o'clock, P. M., moved the Convention adjourn ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Dalrymple, Brent, of Charles, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Johnson, Waters and Smith—31.

NEGATIVE—Messrs. Donaldson, Sellman, Merrick, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston,

Constable, Chambers, of Cecil, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

So the Convention refused to adjourn.

Mr. John Newcomer, moved the Convention take a recess until six o'clock, P. M.,

At 4 o'clock, P. M.

Mr. Kilgour, moved the Convention adjourn ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Weems, Dalrymple, Sollers, Brent, of Charles, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Phelps, Spigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Waters and Smith—30.

NEGATIVE—Messrs. Donaldson, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

So the Convention refused to adjourn.

The question then recurred upon the motion of Mr. John Newcomer, to take a recess until six o'clock, P. M.,

At quarter of 5 o'clock, P. M.,

Mr. Merrick, moved the Convention adjourn ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Mitchell, Dorsey, Wells, Weems, Dalrymple, Bond, Sollers, Merrick, James U. Dennis, Crisfield, Goldsborough, Phelps, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, Wright, Dirickson, Hearn, Fooks and Jacobs—26.

NEGATIVE—Messrs. Blakistone, Dent, Donaldson, Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Hicks, Miller, McLane, Bowie, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—48.

So the Convention refused to adjourn.

The question again recurred on the motion of Mr. John Newcomer, to take a recess until six o'clock, P. M.

Mr. John Newcomer, withdrew his motion to take a recess.

At 5 o'clock, P. M.,

Mr. Sollers, moved the Convention adjourn;

Mr. Thomas moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Blakistone, Hopewell, Ricaud, Lee, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, John Dennis, Crisfield, Hicks, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Johnson and Kilgour—28.

NEGATIVE—Messrs. Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Chambers, of Cecil, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Parke, Shower, Cockey and Brown—44.

So the Convention refused to adjourn.

On motion of Mr. Kilgour,

The Convention was called.

Mr. Brown, moved that further proceedings under the call be dispensed with.

Mr. Kilgour, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Donaldson, Sellman, Buchanan, Lloyd, Colston, Chambers, of Cecil, Miller, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Stewart, of Car., Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood of Balt city, Presstman, Ware, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Slicer, Parke, Cockey and Brown—36.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Lee, Mitchell, Dorsey, Wells, Randall, Bond, Jenifer, Bell, John Dennis, James U. Dennis, Hicks, Phelps, Bowie, Tuck, Sprigg, McMaster, Fooks, Jacobs, Fiery, Kilgour and Smith—24.

So the Convention dispensed with further proceedings under the call.

At a quarter past 5 o'clock, P. M.,

Mr. Kilgour, moved the Convention adjourn,

And moved the question be taken by yeas and nays, which being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell,

Lee, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Bond, Sollers, John Dennis, James U. Dennis, Hicks, Goldsborough, Tuck, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, and Kilgour—27.

NEGATIVE—Messrs. Donaldson, Sellman, Buchanan, Welch, Chandler, Lloyd, Colston, Chambers, of Cecil, Miller, Bowie, Spencer, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—42.

So the Convention refused to adjourn.

Mr. Bowie, moved for a call of the Convention, and that the Sergeant-at-Arms be sent after the absent members to enforce their attendance.

The Convention having been called by the assistant secretary.

Mr. Brown, moved that further proceedings under the call be dispensed with.

Mr. Tuck, rose to a point of order, and insisted that the Convention had no power to dispense with proceedings under the call until the absentees had been sent for.

Mr. Weems, (being in the chair,) stated that a majority of the Convention could control its own action, and therefore overruled the point of order;

From which decision Mr. Tuck appealed;

On the question being put,

Shall the opinion of the chair stand as the judgment of the Convention?

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Blakistone, Hopewell, Donaldson, Sellman, Jenifer, Howard, Welch, Ridgely, Lloyd, Colston, Chambers, of Cecil, Miller, McLane, Sprigg, Bowling, Spencer, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, John Newcomer, Harbine, Brewer, Anderson, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—48.

NEGATIVE—Messrs. Morgan, Ricaud, Lee, Dorsey, Wells, Dalhymple, Bond, Sollers, Buchanan, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Phelps, Bowie, Tuck, McCubbin, McMaster, Hearn, Fooks, Jacobs, Michael Newcomer and Kilgour—26.

So the Convention sustained the decision of the chair

The question then recurred and was put on the motion of Mr. Brown, to suspend further proceedings under the call ;

Mr. Tuck, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Chambers, of Cecil, Miller, McLane, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Brewer, Anderson, Weber, Fitzpatrick, Parke, Shower, Cockey and Brown—41.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Phelps, Tuck, McCubbin, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Thawley, Michael Newcomer, Kilgour and Smith—37.

So the Convention suspended further proceedings under the call.

At 20 minutes past 6 o'clock, P. M.,

Mr. Kilgour, moved the Convention adjourn,

Mr. Stewart of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Prest., Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Mitchell, Dorsey, Wells, Randall, Weems, Dalrymple, Bond, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Thawley, Kilgour and Parke—36.

NEGATIVE—Messrs. Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Chambers of Cecil, Miller, McLane, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Nelson, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Slicer, Fitzpatrick, Smith, Shower and Brown—40.

So the Convention refused to adjourn.

At half past six o'clock, P. M.,

On motion of Mr. Spencer,

The Convention adjourned until to-morrow morning 10 o'clock.

SATURDAY, March 29th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Shower, (in accordance with the notice given by him on yesterday,) moved that the Convention reconsider their vote on the amendment offered by Mr. Fiery, to the report of the committee on Representation ;

Mr. Thomas, moved the previous question, that is:

“Shall the main question be now put?”

On motion of Mr. Blakistone,

The Convention was called and the Doorkeeper sent for the absent members, who, after a short time had elapsed, returned and reported that he had notified the absent members that their attendance in the House was required.

The question was then put,

“ Shall the main question be now put ?”

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—73.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—40.

So the Convention sustained the previous question.

The question was then put,

“ Will the Convention reconsider their vote on the amendment offered by Mr. Fiery, to the report of the committee on Representation ?”

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers of Cecil,

Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Brent of Balt. city, Sappington, Stephenson, Kilgour, Waters and Smith—46.

So the Convention reconsidered their vote on said amendment.

The President announced that the hour had arrived for taking up the order of the day ;

The Convention then resumed the consideration of the several reports of the committee on Representation ;

The question pending before the Convention on yesterday, being on the substitute offered by Mr. Jenifer, as a substitute for the amendment offered by Mr. John Newcomer, as the 2nd section of the report ;

Mr. Jenifer, withdrew his substitute.

The question then recurred on the adoption of the amendment as offered by Mr. John Newcomer ;

Mr. John Newcomer, moved the previous question, that is :

“Shall the main question be now put?” and it was

Determined in the negative.

The question again recurred on the adoption of the amendment as offered by Mr. John Newcomer ;

Mr. Dent, moved as a substitute for said amendment, the following :

“Each county and the city of Baltimore, shall elect four members to the House of Delegates ;

Mr. Blakistone, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't., Blakistone, Dent, Hopewell, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, John Dennis, James U. Dennis, Williams, Hicks, Goldsborough, Phelps, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—31.

NEGATIVE—Messrs. Morgan, Ricaud, Donaldson, Sellman,

Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Crisfield, Eccleston, Constable, Chambers of Cecil, Miller, McLane, Tuck, Bowling, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—61.

So the Convention refused to accept the substitute.

The question again recurred upon the adoption of the amendment as offered by Mr. John Newcomer ;

Mr. Chambers of Kent, moved to amend said amendment by striking out in the seventh line, these words, "the same number of delegates as the county which shall be entitled to the largest representation," and inserting in lieu thereof "eight ;"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Ricaud, Chambers of Kent, Mitchell, Dorsey, Sollers, Brent of Charles, Merrick, Tuck, Bowling, Hardcastle, Fiery and John Newcomer—14.

NEGATIVE—Messrs. Morgan, Dent, Hopewell, Lee, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, Chambers of Cecil, Miller, McLane, Bowie, Sprigg, McCubbin, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent, of Baltimore city, Sherwood of Baltimore city, Presstman, Ware, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—76.

So the amendment was rejected.

Mr. Sollers, then moved as a substitute for said amendment, the following :

"The Representation in the House of Delegates shall be as it now is under the Constitution of the State of Maryland ;"

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers,

John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—37.

NEGATIVE—**MESSRS.** Donaldson, Sellman, Brent, of Charles, Merick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood of Balt. city, Pressman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—56.

So the substitute was rejected.

The question then recurred and was put on the adoption of the amendment as offered by Mr. John Newcomer;

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—**MESSRS.** Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, John Newcomer, Kilgour and Waters—39.

NEGATIVE—**MESSRS.** Blakistone, Donaldson, Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent of Baltimore city, Sherwood, of Baltimore city, Pressman, Ware, Fiery, Harbine, Michael Newcomer, Weber, Anderson, Brewer, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—55.

So the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. Fiery, as the 2nd section of the report;

Mr. Dorsey offered as a substitute for said report, the following:

Art. The House of Delegates shall until altered by the Legislature as hereinafter provided for, consist of sixty-two members to be apportioned amongst the counties and city of Baltimore, as follows:—One delegate to each county and the city of Baltimore, as the representative of the territory or population thereof, without respect to numbers, and one delegate for every thirteen thousand inhabitants, and one for every county having a fraction thereof, ex-

ceeding six thousand five hundred, until the entire population of the county or city to the number of thirty-nine thousand shall be represented; and for every twenty-one thousand six hundred and seventy inhabitants of any county or the city of Baltimore above the said thirty-nine thousand, one additional delegate shall be elected in such county or city, until the year eighteen hundred and sixty-one, when every county or the city of Baltimore for every fifty thousand inhabitants it may have, above one hundred and sixty-nine thousand, shall be entitled to one additional delegate; and after the year eighteen hundred and seventy-one, every county or the city of Baltimore having a population over one hundred and sixty-nine thousand shall have but one additional delegate to its ten delegates for every one hundred thousand inhabitants; and after every decennial census, the General Assembly of Maryland shall adjust the representation in the House of Delegates according to the principles contained in this article of the constitution. And in order that each and every portion of the city of Baltimore, and of the populous counties, may be fairly represented, and their various interests protected in the Legislature; for the purpose of electing delegates therein, the city of Baltimore shall be divided into ten districts, as follows: The first and second wards, as now laid off, shall constitute District No. 1, the third and fourth wards District No. 2, the fifth and sixth wards District No. 3, the seventh and eighth wards District No. 4, the ninth and tenth wards No. 5, the eleventh and twelfth wards No. 6, the thirteenth and fourteenth wards No. 7, the fifteenth and sixteenth wards No. 8, the seventeenth and eighteenth wards No. 9, the nineteenth and twentieth wards No. 10. And every county shall by the General Assembly be divided into as many districts as the county is entitled to delegates, and numbered accordingly, and the qualified voters in each of said districts, shall at the time and in the manner, in which delegates are chosen, elect one delegate, who has been for one year, next before his election, a resident of the ward from which he shall be elected, and has in all other respects, the requisite qualifications of a delegate. And the residence in the district, requisite to give a right of suffrage in voting for delegates, shall be six months next preceding the election. But in case any voter otherwise qualified, shall have resided less than six months in the district of his then residence, he shall not thereby wholly lose his right to vote at the then pending election; but shall be entitled to cast his vote for a delegate in the district in which he may have resided for the six months next preceding his removal to the district of his existing residence. And the Legislature may pass all laws necessary to carry into effect this article of the constitution.

Art. 3. Of the sixty-two members constituting the House of Delegates, Allegany county shall elect three, Anne Arundel county three, Baltimore city ten, Baltimore county four, Carroll county three, Caroline county two, Calvert county two, Cecil county two, Charles county two, Dorchester county two, Frederick coun-

ty four, Harford county two, Howard county two, Kent county two, Montgomery county two, Prince George's county three, Queen Anne's county two, St. Mary's county two, Somerset county three, Talbot county two, Washington county three, and Worcester county two.

Art. 4. It shall be the duty of the Legislature as its first session next each after the publication of decennial census of the people of the United States, whenever it shall thereby appear, that any county or city by the increase of its population is entitled, according to the foregoing basis of representation, to one or more additional delegates; or whenever the population of said districts shall become so grossly unequal as to render it necessary that a re-organization of said districts shall take place in order to a nearer equalization of the population thereof, to re-organize the said districts, and add to their number such additional districts, as the said increase of delegates may render necessary.

Which was read.

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blackistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Dorsey, Randall, Kent, Bond, Brent, of Charles, Merrick, John Dennis, James U. Dennis, Crisfield, Williams and Smith—19

NEGATIVE—Messrs. Lee, Donaldson, Wells, Sellman, Weems, Dalrymple, Sollers, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Hicks, Goldsborough, Eccleston, Phelps, Constable, Chambers of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—73.

So the Convention refused to accept the substitute.

Mr. Dent, when his name was called rose in his seat, and stated that he had voted in the affirmative with a view to prevent a greater evil.

M. Hopewell, moved as a substitute for said amendment the following:

“The Representation in the House of Delegates, shall be as it now is under the constitution of the State of Maryland until the year 1860.”

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Wells, Kent, Weems, Dalrymple, Bond, Sollers, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—34.

NEGATIVE.—Messrs. Donaldson, Dorsey, Randall, Sellman, Brent of Charles, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Loyd, Colston, Chambers of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Johnson, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Baltimore city, Sherwood of Balt. city, Presstman, Ware, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Cockey—55.

So the Convention refused to accept the substitute.

The question again recurred upon the adoption of the amendment as offered by Mr. Fiery, on the 21st inst., on page 471 of the Journal.

Mr. Brent, of Charles, moved to amend said amendment by striking out from the words "United States," in the 4th line these words "which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, three-fifths of the slaves, and;"

Mr. Merrick, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—40.

NEGATIVE.—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Loyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—51.

So the amendment was rejected.

Mr. Merrick, then offered as a substitute for said amendment as offered by Mr. Fiery, the following:

"The House of Delegates shall consist of members to be apportioned to the several counties of the State and the city of Baltimore, according to the following rule, that is to say: Each of said counties and the city aforesaid, shall elect one delegate for every four thousand souls it may contain up to twenty thousand, and for any excess in the number of population in any of said counties or in the city of Baltimore above twenty thousand, and of not less than eight thousand, there shall be allowed to each county or city having such excess, one additional delegate; and for any excess of population in any of the counties or city aforesaid, above twenty-eight thousand, and of not less than sixteen thousand, one other additional delegate shall be allowed to each of the counties or to the city having such excess; and so on, duplicating the number of souls required to be in excess, above the last number upon which an additional delegate was allowed, for the allowance of each further additional delegate, to which by such duplicating ratio, any of the counties or the city of Baltimore, may be entitled for the whole number of its population; provided that no county shall have less than three delegates, nor shall any county or city have more than ten delegates. By which rule, and until otherwise apportioned by the Legislature as hereinafter provided, the number of delegates from each of the counties and the city of Baltimore, shall be as follows:—Allegany county shall elect five; Anne Arundel county shall elect five; Howard county three; Baltimore county six; Carroll county five; Caroline county three; Calvert county three; Cecil county four; Charles county four; Dorchester county four; Frederick county six; Harford county four; Kent county three; Montgomery county four; Prince George's county five; Queen Anne's county three; Saint Mary's county three; Somerset county five; Talbot county three, Washington county six; Worcester county four; and the city of Baltimore ten. And the Legislature shall in future at their first regular session after the authoritative promulgation of each decennial census of the people of the United States, re-apportion the representatives in the House of Delegates according to the above rules, and the then state of the population in the several counties and the city of Baltimore."

Which was read.

Mr. Merrick, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Jacobs, Kilgour and Waters—34.

NEGATIVE—Messrs. Donaldson, Wells, Howard, Buchanan,

Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Pressman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—58

So the Convention refused to accept the substitute.

Mr. Gwinn, then moved to amend said amendment as offered by Mr. Fiery, by adding at the end thereof the following:

“And the said delegates shall be elected by general ticket in each of said counties, and the city of Baltimore, and not by districts or wards.”

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Dent, Sellman, Colston, Constable, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Pressman and Ware—11.

NEGATIVE—Messrs. Chapman, President, Morgan, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowlin, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—81.

So the amendment was rejected.

The question again recurred upon the adoption of the amendment as offered by Mr. Fiery.

Mr. Dorsey, moved to amend said amendment by striking out in the 5th line thereof the words “three-fourths,” and inserting in lieu thereof “one-half ;”

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Brent, of Charles, Merrick, John Dennis, James U. Dennis, Crisfield, Williams,

Hicks, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling and Waters—29.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Sollers, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Tuck, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Stewart of Baltimore city, Brent, of Balt. city, Sherwood, of Baltimore city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—63.

So the amendment was rejected.

Mr. Dorsey, then moved to amend said amendment as offered by Mr. Fiery, by striking out in the 10th line the word "six," and inserting in lieu thereof "seven;"

Mr. Tuck, rose to the following point of order, that the Convention having refused to strike out "three-fourths, and insert one-half," it was not competent to offer an amendment which, in effect, was substantially the same by changing the ratio.

The President ruled the amendment to be out of order.

The question again recurred upon the adoption of the amendment as offered by Mr. Fiery.

On the question being put,

Will the Convention adopt said amendment?

Mr. Tuck, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Stewart, of Baltimore city, Sherwood, of Baltimore city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—46.

NEGATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Gwinn, Brent, of Balt. city, Kilgour, Waters and Smith—47.

So the amendment was rejected.

Mr. Johnson, then moved to amend said report of the committee on Representation, by inserting in the place of the 2nd section, the following:

The House of Delegates shall be composed of seventy-five members to be apportioned among the several counties and city of Baltimore, pursuant to the ratios herein provided; according to their several numbers as shown by the recent census of the United States, to be determined by adding to the whole number of free persons including those bound to service for a term of years three fifths of all other persons, and allowing to each county one additional delegate for a fraction exceeding one half of the ratio, but each county shall be entitled to at least two Delegates. The ratio shall be one delegate to every six thousand inhabitants of the said county and city, until the number of the House of Delegates shall be seventy-two, and thereafter the ratio shall be one to every forty-one thousand inhabitants, result as follows:

Allegany county four, Anne Arundel county three, Howard county two, Baltimore city ten, Baltimore county seven, Carroll county three, Caroline county two, Calvert county two, Cecil county three, Charles county two, Dorchester county three, Frederick county seven, Harford county three, Kent county two, Montgomery county two, Prince George's county three, Queen Anne's county two, St. Mary's county two, Somerset county three, Talbot county two, Washington county five, and Worcester county three. Provided, nevertheless, that each county and city shall be divided into separate election districts of compact, contiguous territory, in the manner hereafter to be provided in this constitution; the qualified voters in each of which districts shall at the time and in the manner, in which delegates are chosen, elect one delegate, who has for one year next before his election been a resident of the district from which he shall be elected; and the residence in a district, requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter, otherwise qualified shall have less than six months residence in the district of his then residence, he shall not thereby lose his right to vote in the district in which he may have resided for the six months next preceding his removal.

Which was read,

Mr. Jenifer, offered as a substitute for said amendment, the amendment offered by him on yesterday and afterwards withdrawn, to be found on page 497 of Journal.

Which was read.

Mr. Sollers, moved to amend said substitute by striking out Charles county and Calvert county, and inserting in lieu thereof, the following:

"Calvert shall be entitled to three Delegates in the House of Delegates, and Charles county to four delegates."

Mr. Stephenson, gave notice of his intention to move a recon

sideration of the amendment offered by him on yesterday, and rejected by the convention, as an amendment to the 2nd section.

Mr. Smith, with the unanimous consent of the convention gave notice of his intention to offer the following amendment, "in the aggregate statement by him on the 17th inst. to add two delegates to Baltimore city, making the aggregate 71, ss will be found in twelfth column of said tabular statement."

Mr. Brent, of Baltimore city, gave notice of his intention at the proper time, to offer the following amendment as a substitute for the 2nd section :

Sec. 2. The House of Delegates shall (until the re-apportionment hereafter provided) consist of eighty-seven members, to be apportioned among the several counties and the city of Baltimore, according to the ratio herein provided, and to their several numbers, (as shown by the last census of the United States,) which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, three fifths of the slaves, and allowing to each county and Baltimore city, one additional delegate for every fraction of the ratio exceeding eight hundred. The ratio shall be seven thousand of said population in said city and counties, that is ; to the said delegates shall be apportioned as follows :

Allegany 4, Anne Arundel 3, Baltimore city 24, Baltimore county 6, Carroll county 3, Caroline 2, Calvert 2, Cecil 3, Charles 2, Dorchester 3, Frederick 6, Harford 3, Kent 2, Montgomery 2, Prince George's 3, Queen Anne's 2, St. Mary's 2, Somerset 3, Talbot 2, Washington 5, Worcester 3.—total 87.

And it shall be the duty of the General Assembly every ten years computing from its next session to re-apportion the House of Delegates upon the basis of population as aforesaid, by dividing the several counties and the city of Baltimore into as many election districts as the number of delegates to be elected, the said districts to be equal in population as nearly as possible ; provided the said number of delegates shall at no time exceed ninety.

Mr. Mitchell, moved the Convention adjourn;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Dorsey, Wells, Dalrymple, Bond, Sollers, Brent, of Charles, Howard, Buchanan, Bell, Welch, Chandler, John Dennis, Constable, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Thawley, Stewart, of Balt. city, Brent, of Balt. city, Presstman, Ware, Waters, Anderson, Fitzpatrick and Smith—36.

NEGATIVE—Messrs. Blackistone, Lee, Chambers, of Kent, Mitchell, Donaldson, Randall, Kent, Sellman, Weems, Merrick, Jenifer, Ridgely, Lloyd, James U. Dennis, Crisfield, Williams,

Hicks, Goldsborough, Eccleston, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Sherwood, of Balt. city, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Weber, Hollyday, Slicer, Parke, Shower, Cockey and Brown—55.

So the Convention refused to adjourn.

The question then recurred on the amendment offered by Mr. Sollers.

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Dorsey, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, John Dennis, James U. Dennis, Williams, Hicks, Goldsborough, Phelps, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Fooks, Jacobs, Kilgour and Waters—26.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Mitchell, Donaldson, Randall, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Crisfield, Eccleston, Chambers of Cecil, Miller, McLane, Tuck, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood, of Balt. city, Presstman, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—54.

So the amendment was rejected.

Mr. Brown, moved to amend the amendment offered by Mr. Johnson, by striking out in the 14th line "six thousand," and inserting in lieu thereof "five thousand seven hundred and fifty ; "

Pending the question on this amendment,

Mr. Buchanan, moved the Convention adjourn ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Dorsey, Wells, Kent, Dalrymple, Sollers, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, John Dennis, McLane, Hodson, Constable, Miller, Spencer, Grason, George, Wright, Dirickson, McMaster, Fooks, Jacobs, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Brent, of Balt. city, Presstman, Ware, Harbine, Brewer, Anderson, Weber, Slicer, Fitzpatrick, Parke and Brown—44.

NEGATIVE—Messrs. Blakistone, Dent, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Randall, Sellman, Weems, Bond, Merrick, Jenifer, James U. Dennis, Crisfield, Williams, Hicks,

Goldsborough, Eccleston, Phelps, Chambers, of Cecil, Bowie, Tuck, Sprigg, McCubbin, Bowling, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Magraw, Stewart, of Caroline, Hardcastle, Sherwood, of Balt. city, John Newcomer, Michael Newcomer, Kilgour, Waters, Hollyday, Smith, Shower and Cockey—44.

So the convention refused to adjourn.

The question then recurred and was put on the amendment as offered by Mr. Brown, and

Determined in the negative.

On motion of Mr. Brown,

The yeas and nays were ordered, and appeared as follows :

AFFIRMATIVE—Messrs. Howard, Bell, Welch, Chandler, Colston, Chambers, of Cecil, Miller, Spencer, George, Wright, Annan, Stephenson, Magraw, Nelson, Stewart, of Caroline, Gwinn, Sherwood, of Baltimore city, Ware, Weber, Hollyday, Slicer, Parke, Shower, Cockey and Brown—25.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Merrick, Jenifer, John, Dennis, James U. Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Johnson, Biser, Sappington, McHenry, Thawley, John Newcomer, Michael Newcomer, Kilgour, Brewer, and Waters.—47.

So the amendment was rejected.

At half past 3 o'clock, P. M.,

Mr. Sollers, moved the convention adjourn,

Determined in the negative.

The question then recurred upon the amendment offered by Mr. Jenifer, as a substitute for the amendment offered by Mr. Johnson ;

Mr. Spencer, moved an amendment to said amendment, but not being handed to the Secretary.

Mr. Sollers, moved the Convention adjourn ;

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 10 o'clock.

MONDAY, March 31st, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The Proceedings of Saturday were read.

Mr. Constable, presented several petitions from sundry citizens of Cecil county, asking that a provision be inserted in the constitution, making the sale of intoxicating liquors dependant on the sanction of a majority of voters in the election district.

Mr. Gwinn, presented a petition of sundry citizens of the city of Baltimore of similar import.

Mr. Sherwood, of Balt. city, also presented a petition of sundry citizens of the city of Baltimore, of similar import, and

Mr. Shriver, presented a petition of 60 citizens of Catoctin district in Frederick county, asking that a clause be not inserted in the new constitution, restricting the sale of spirituous liquors, but that the subject be referred to the Legislature.

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Michael Newcomer, submitted the following order :

Ordered, That from and after, the 1st day of April next, this Convention will meet every day at 9 o'clock, A. M., and sit until 2 o'clock P. M., then take a recess until 4 o'clock, P. M., when it will meet again for the transaction of business.

Which was read.

Mr. Stephenson, moved the question be taken by yeas and nays ;

On motion of Mr. Weems,

The Convention was called.

On motion of Mr. Stephenson,

Further proceedings under the call was dispensed with.

The question then recurred upon the adoption of the order.

Mr. Spencer, moved to lay said order on the table ;

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Mitchell, Donaldson, Dorsey, Wells, Weems, Dalrymple, Bond, Jenifer, Howard, Welch, Crisfield, Hicks, Hodson, Phelps, Constable, Miller, McLane, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, Hearn, Fooks, Johnson, Sherwood, of Balt. city, Ware, Kilgour, Waters and Anderson—35.

NEGATIVE—Messrs. Blakistone, Dent, Lee, Sellman, Bell, Lloyd, Colston, John Dennis, James U Dennis, Eccleston, Chambers, of Cecil, Bowie, Tuck, McMaster, Jacobs, Thomas, Shriver,

Gaither, Biser, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Fiery, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Cockey, Shower and Brown—39.

So the convention refused to lay the order on the table.

The question again recurred upon the adoption of the order ;

Mr. Bowie, moved to amend said order by striking out "nine," and inserting in lieu thereof "ten ;"

Which amendment Mr. Michael Newcomer, accepted.

The President announced that the hour had arrived for taking up the order of the day ;

Mr. Stephenson, moved to postpone the order of the day ;

Determined in the affirmative.

The question then recurred upon the adoption of the order as offered by Mr. Michael Newcomer ;

Mr. Bowie, moved further to amend said order by striking out "two," and inserting "three,"

Determined in the affirmative.

Mr. McHenry, moved further to amend said order by striking out "four," and inserting "six ;"

Determined in the negative.

Mr. Howard, moved to amend said order by striking out "ten," and inserting "nine ;"

Mr. Biser, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Randall, Kent, Weems, Dalrymple, Bond, Jenifer, Howard, Bell, Colston, Crisfield, Hicks, Hodson, Eccleston, Phelps, Spencer, Grason, George, Wright, Dirickson, McMaster, Fooks, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Hardcastle, Fiery, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Fitzpatrick, Parke, Shower, Cockey and Brown—48.

NEGATIVE—Messrs. Sellman, Buchanan, Lloyd, John Dennis, James U. Dennis, Constable, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, McCubbin, Bowling, Thomas, Gaither, Thawley, Stewart, of Caroline, Gwinn, Brent of Balt. city, Ware, Weber, Hollyday, Slicer and Smith—25.

So the amendment was adopted.

Mr. Ware, moved to lay said order on the table,

On motion of Mr. Stephenson,

The yeas and nays were ordered and appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Buchanan, Crisfield, Hicks, Hodson, Phelps, Con-

stable, Miller, McLane, Bowie, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, Fooks, Johnson, Gaither, Brent, of Balt. city, Ware, Kilgour, Waters, Anderson, Holly-day, and Slicer—37.

NEGATIVE—Messrs. Blakistone, Hopewell, Lee, Sellman, Bond, Jenifer, Howard, Bell, Lloyd, Colston, John Dennis, James U. Dennis, Eccleston, Tuck, McMaster, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Fiery, Michael Newcomer, Brewer, Weber, Smith, Parke, Shower and Cockey—35.

So the order was laid on the table.

Mr. Thomas, submitted the following order.

Ordered, That the Secretary, have lithographed five hundred copies of the map, which has been prepared for the use of the Convention.

Which was read.

Mr. Chambers, of Kent, moved to amend said order by adding at the end thereof, the following :

“Provided, the cost of the same, does not exceed the sum of fifty dollars ;”

Mr. Thomas, accepted this amendment.

The said order as amended was then adopted.

On motion of Mr. Mitchell,

The convention then resumed the consideration of the order of the day, being the several reports of the committee on Representation.

The question pending before the Convention on Saturday, being on the substitute offered by Mr. Jenifer, as a substitute for the amendment offered by Mr. Johnson, as the 2nd section of the report.

On motion of Mr. Jenifer,

The Convention was called, and the Doorkeeper sent for the absent members, who after a short time had elapsed, returned and reported that he had notified the absent members that their attendance in the Convention was required.

The question then recurred upon the adoption of the substitute as offered by Mr. Jenifer, as a substitute for the amendment offered by Mr. Johnson, as the 2nd section of the report.

Mr. Crisfield, moved to amend said substitute by adding “one additional member to the counties of Dorchester, Somerset, Prince George’s, Worcester and Carroll ;”

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Hopewell, Ricard, Lee, Chambers, of Kent, Mitchell, Dorsey,

Wells, Kent, Weems, Dalrymple, Bond, John Dennis, James U. Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Bowie, Tuck, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—32.

NEGATIVE—Messrs. Donaldson, Randall, Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—49.

Determined in the negative.

Mr. Dirickson, moved to amend said substitute by striking out "ten," in Baltimore city, and inserting "six;"

Mr. Morgan, moved for a division of the question which was put upon striking out.

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Morgan, Hopewell, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Kent, Weems, Dalrymple, Bond, John Dennis, James U. Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Bowie, Tuck, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Fiery, Kilgour and Waters—34.

NEGATIVE—Messrs. Ricaud, Donaldson, Dorsey, Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—46.

So the Convention refused to strike out.

Mr. Carter, then offered as a substitute for said substitute offered by Mr. Jenifer, and the amendment offered by Mr. Johnson, the following :

Basis 10,500 gross, one delegate, and one additional delegate to each county and city of Baltimore for territory, and no fraction less than two thirds of said basis, to be entitled to an additional delegate, until the number of sixty-five be obtained, after which one delegate for every 25,000.

Counties,	Gross Pop.	Deleg's.
Allegany,	22,779	3
Anne Arundel,	20,000	3
Howard,	12,388	2

Baltimore city,	169,054	10
Carroll,	20,615	3
Baltimore county,	41,599	5
Caroline,	9,692	2
Calvert,	7,646	2
Cecil,	18,937	3
Charles,	16,962	3
Dorchester,	18,872	3
Frederick,	40,983	5
Harford,	19,358	3
Kent,	11,388	2
Montgomery,	15,860	2
Prince George's,	21,550	3
Queen Anne's,	14,484	2
Saint Mary's,	13,698	2
Somerset,	22,460	3
Talbot,	13,811	2
Washington,	30,830	4
Worcester,	18,847	3
Total,		<hr/> 70

Which was read.

On the question being put,

“Will the Convention accept said substitute?”

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Colston, Spencer, Magraw, Carter, Thawley, Stewart, of Caroline, Hardcastle, Michael Newcomer and Parke—12.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Jenifer, Howard, Lloyd, John Dennis, James U. Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, McCubbin, Bowling, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Nelson, Gwinn, Brent of Balt. city, Ware, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—68.

So the Convention refused to accept the substitute.

Mr. Carter, then offered as a substitute for said substitute and amendment, the following :

Basis 10,000 gross, one delegate and one additional delegate to each county and city of Baltimore for territory, and no fraction less than two-thirds of said basis, to be entitled to an additional

delegate, until the number of sixty-five be obtained, after which one delegate for every 50,000.

Counties.	Gross Pop.	Deleg's.
Allegany	22,779	3
Anne Arundel	20,000	3
Howard	12,388	2
Baltimore city	169,054	7
Carroll	20,615	3
Baltimore county	41,599	5
Caroline	9,692	2
Calvert	9,646	2
Cecil	18,937	3
Charles	16,962	3
Dorchester	18,872	3
Frederick	40,983	5
Harford	19,358	3
Kent	11,388	2
Montgomery	15,860	2
Prince George's	21,550	3
Queen Anne's	14,484	2
Saint Mary's	13,698	2
Somerset	22,460	3
Talbot	13,811	2
Washington	30,830	4
Worcester	18,847	3

67

Which was read.

On the question being put,

“Will the Convention accept said substitute?”

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Dalrymple, Bond, John Dennis, James U. Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Tuck, McCubbin, Bowling, Drickson, McMaster, Hearn, Fooks, Jacobs, Carter, Thawley, Hardcastle, Fiery, Kilgour, Brewer and Waters—36.

NEGATIVE—Messrs. Donaldson, Sellman, Weems, Jenifer, Howard, Buchanan, Bell, Welch, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane, Bowie, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Stewart, of Caroline, Gwinn, Brent, of Baltimore city, Ware, Michael Newcomer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—43.

So the Convention refused to accept the substitute.

Mr. Mitchell, then offered as a substitute for said substitute and amendment, the following :

On the basis of 9,500, one for territory, and that the city of Baltimore shall have three more than the largest county.

Allegany county	5 members.
Anne Arundel county	4
Howard county	2
Baltimore city	8
Baltimore county	5
Carroll county	3
Caroline county	2
Calvert county	2
Cecil county	3
Charles county	3
Dorchester county	3
Frederick county	5
Harford county	3
Kent county	2
Montgomery county	3
Prince George's county	3
Queen Anne's county	2
St. Mary's county	2
Somerset county	3
Talbot county	2
Washington county	3
Worcester county	3
	<hr/>
	71

Which was read.

On the question being put,

"Will the Convention accept said substitute?" it was

Determined in the negative.

The question then recurred upon the adoption of the substitute offered by Mr. Jenifer, for the amendment offered by Mr. Johnson,

Mr. Tuck moved to amend said substitute by striking out "four" to Alleghany, and inserting "three;"

On motion of Mr. Bowie,

The question was taken by yeas and nays and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Jenifer, John Dennis, James U. Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Bowie, Tuck, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour, and Waters—34.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Lloyd, Colston, Constable, Chambers, of Cecil, Miller, McLane,

Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Sherwood of Balt. city, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—45.

So the amendment was rejected.

The question again recurred on the adoption of the substitute as offered by Mr. Jenifer, for the amendment offered by Mr. Johnson, as the 2nd section of the report.

Mr. Smith, offered as a substitute for said substitute and amendment, the following :

The House of Delegates shall consist of seventy-three Delegates upon an arbitrary basis, as follows:—

	Delegates.
Allegany county, shall have	4
Anne Arundel county	3
Howard county	2
Baltimore city	8
Baltimore county	6
Carroll county	3
Caroline county	2
Calvert county	2
Cecil county	3
Charles county	3
Dorchester county	3
Frederick county	6
Harford county	3
Kent county	2
Montgomery county	3
Prince George's county	3
Queen Anne's county	2
Saint Mary's county	2
Somerset county	3
Talbot county	2
Washington county	5
Worcester county	3
Total	73

Which was read,

On the question being put,

“ Will the Convention accept said substitute ?”

Mr. Smith, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Dorsey, Randall, Kent, James U.

Dennis, Fiery, Michael Newcomer, Weber, Hollyday, Slicer and Smith—10.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Sellman, Weems, Dalrymple, Jenifer, Howard, Buchanan, Bell, Welch, Lloyd, Colston, John Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, McCubbin, Spencer, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent of Balt. city, Sherwood, of Balt. city, Ware, Kilgour, Brewer, Waters, Anderson, Fitzpatrick, Parke, Shower, Cockey and Brown—67.

So the Convention refused to accept the substitute.

The question again recurred upon the substitute as offered by Mr. Jenifer.

On the question being put,

“Will the Convention accept said substitute?”

Mr. Jenifer, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Randall, Kent, Sellman, Jenifer, Bowie, Tuck, McCubbin, Spencer, Wright, Carter, Thawley, Stewart, of Caroline, Kilgour, Brewer, Waters and Anderson—24.

NEGATIVE—Messrs. Hopewell, Lee, Wells, Weems, Dalrymple, Bond, Howard, Buchanan, Bell, Welch, Lloyd, Colston, John Dennis, James U. Dennis, Crisfield, Hicks, Hodson, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Ware, Fiery, Michael Newcomer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—51.

So the Convention refused to accept the substitute.

The question then recurred upon the amendment as offered by Mr. Johnson, for the second section of the report.

Mr. Johnson, moved to amend said amendment by striking out in the 1st line thereof “seventy-five,” and in the 15th line by striking out after “Baltimore city,” the word “ten ;”

Mr. Shriver, moved for a division of the question upon the first branch of said amendment down to the “proviso” in the 22nd line.

Mr. Stephenson, renewed the notice of his intention to move a reconsideration of the amendment offered by him on the 28th

inst., and rejected by the Convention, as an amendment to the 2nd section.

At 3 o'clock, P. M.;

Mr. Spencer, moved the Convention adjourn ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Hopewell, Lee, Chambers, of Kent, Dorsey, Wells, Kent, Sellman, Bond, Howard, Buchanan, Bell, Welch, Colston, John Dennis, Crisfield, Hicks, Hodson, Phelps, Chambers, of Cecil, Spencer, George, Wright, Dirickson, McMaster, Fooks, Jacobs, Biser, Sappington, Stephenson, Nelson, Carter, Thawley, Gwinn, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Kilgour, Waters, Anderson, Hollyday and Brown—43.

NEGATIVE—Messrs. Morgan, Ricaud, Mitchell, Donaldson, Randall, Weems, Dalrymple, Lloyd, James U Dennis, Eccleston, Miller, McLane, Bowie, Tuck, McCubbin, Thomas, Shriver, Johnson, Gaither, McHenry, Magraw, Stewart, of Caroline, Hardcastle, Fiery, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower and Cockey—33.

So the Convention accordingly adjourned until to-morrow morning 10 o'clock.

TUESDAY, April 1st, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Jenifer submitted the following resolution:

Resolved, That a committee of seven be appointed to consist of two members from the counties of each gubernatorial district, and one from the city of Baltimore to take into consideration the question of representation, and to report to the Convention the most expedient mode of apportionment for the House of Delegates, and that said committee have leave to sit during the sittings of the convention;

Which was read.

Mr. Morgan, moved to amend said resolution by striking out from the word "seven," in 1st line, to the word "district,"

inclusive, in 2nd line, and inserting in lieu thereof "twenty-one; be appointed to consist of one from each county."

Mr. Jenifer, moved to postpone the consideration of said resolution until to-morrow;

Determined in the affirmative.

The Convention then resumed the consideration of the order of the day, being the several reports of the committee on Representation ;

The question pending before the Convention on yesterday, being on the motion of Mr. Shriver, for a division of the question upon the first branch of the amendment offered by Mr. Johnson, for the 2nd section of the report of the committee on Representation.

Mr. Dorsey, moved to amend the amendment offered by Mr. Johnson, by striking out these words "to be determined by adding to the whole number of free persons including those bound to service for a term of years, three fifths of all other persons."

Mr. Phelps, moved the question be taken by yeas and nays.

Mr. Johnson, by permission of the Convention, withdrew the 1st branch of his amendment, and substituted in lieu of it the following :

"The House of Delegates shall be composed of members to be apportioned among the several counties and the city of Baltimore, as follows :"

Which was read.

Mr. Chambers, of Kent, moved to amend said amendment by adding at the end thereof the following :

"Being pursuant to the ratio herein provided according to their several federal numbers as shown by the recent census,"

Determined in the negative.

Mr. Johnson, with the consent of the Convention, modified his amendment by striking out after "Baltimore county" the word "seven," and inserting "six," and also by striking out after "county," the word "seven," and inserting "six :"

Mr. Dorsey, then moved to amend said amendment by striking out the words "as follows," and inserting "according to their population, as shown by the late census of the United States ;"

Mr. Dorsey, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Dorsey, Kent, Sellman, Howard, Phelps, Tuck, Bowling and Brewer—8.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Weems, Dalrymple, Bond, Sollers, Jenifer, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, John Dennis, James U. Dennis, Williams, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Sprigg, McCubbin, Spencer, Grason, George, Wright,

Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Stewart, of Baltimore city, Brent, of Balt. city, Ware, Fiery, Michael Newcomer, Kilgour, Waters, Anderson, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—64.

So the amendment was rejected.

The question then recurred upon the adoption of the amendment as offered by Mr Johnson.

Mr. Grason, offered as a substitute for said amendment the following :

The Legislature at its first session after the returns of the national census of 1860 are published, and in like manner after each subsequent census, shall apportion the members of the House of Delegates, among the several counties of the State, according to the population of each, and shall always allow to the city of Baltimore four more delegates than are allowed to the most populous county; but no county shall be entitled, to less than two members nor shall the whole number of Delegates, ever exceed eighty or be less than sixty-five. And till the apportionment is made under the census of 1860, the city of Baltimore shall be entitled to nine delegates, Baltimore county to six, Frederick county six, Washington five, Allegany four, Prince George's three, Anne Arundel three, Carroll three, Montgomery two, Harford three, Charles two, Howard two, Calvert two, St. Mary's two, Somerset four, Worcester three, Dorchester three, Caroline two, Talbot two, Queen Anne's two, Kent two and Cecil three.

Baltimore city	9 members
Baltimore county	6
Frederick county	6
Washington county	5
Allegany county	4
Prince George's county	3
Montgomery county	2
Anne Arundel county	3
Carroll county	3
Harford county	3
Charles county	2
Howard county	2
Calvert county	2
St. Mary's county	2
Somerset county	4
Worcester county	3
Dorchester county	3
Caroline county	2
Talbot county	2
Queen Anne's county	2
Kent county	2
Cecil county	3

Which was read,

Mr. Dorsey moved that the further consideration of the order of the day be postponed, and the substitute be printed.

Determined in the negative.

The question then recurred upon the adoption of the substitute;

Mr. Tuck, moved to lay said substitute and amendment on the table.

Mr. Mitchell, moved the question be taken by yeas and nays,

Which motion was not sustained.

The question was then put on the motion of Mr. Tuck, to lay the substitute and amendment on the table, and

Determined in the negative.

The question again recurred upon the adoption of the substitute as offered by Mr. Grason,

Mr. Jenifer, moved so to amend said substitute by striking out and inserting to "Prince George's 4; Charles 3; Howard 3; Calvert 3; St. Mary's 3; Montgomery 3; Caroline 3; Talbot 3; Queen Anne's 3; and Kent 3;"

Mr. Jenifer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Prēs't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Solters, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—34.

NEGATIVE—Messrs. Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Phelps, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Balt. city, Sherwood of Balt. city, Presstman, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—49.

So the amendment was rejected.

The question again recurred upon the adoption of the substitute as offered by Mr. Grason;

Mr. Thomas, moved to amend said substitute by striking out "nine," in 15th line, and inserting "ten," and by striking out "three" in the 8th line, and inserting "four;"

Mr. Brent, of Balt. city, moved for a division of the question, which was put upon striking out and

Determined in the affirmative.

The question then recurred upon the amendment as offered by Mr. Thomas;

Mr. Dorsey, moved for a division of the question upon the amendment;

The question was then put on the first branch of the amendment, to strike out "nine" and insert "ten;"

Mr. Dorsey. moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Randall, Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, McHerry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Stewart of Balt. city, Sherwood of Balt. city, Pressman, Ware, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—45.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Gwinn, Brent, of Balt. city, Fiery, Kilgour and Waters—38.

So the amendment was adopted.

The question was then put on the second branch of the amendment, to strike out "three" and insert "four;"

The yeas and nays being ordered and taken, appeared as follows:

AFFIRMATIVE—Messrs. Randall, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Johnson, Shriver, Gaither, Biser, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Balt. city, Sherwood of Balt. city, Pressman, Ware, Michael Newcomer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—43.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, McHenry, Fiery, Kilgour, Brewer and Waters—40.

So the amendment was adopted.

The question then recurred upon the adoption of the substitute as amended,

Mr. Randall, moved further to amend said substitute by adding at the end thereof, the following :

“The ten members to the city of Baltimore shall be elected as follows—One from each of the following election districts into which the wards of that city, as now laid off, are hereby divided, viz : The 1st and 2nd wards to constitute District No. 1; the 3rd and 4th wards to constitute District No. 2; the 5th and 6th wards to constitute District No. 3; the 7th and 8th wards District No. 4; the 9th and 10th wards District No. 5; the 11th and 12th wards District No. 6; the 13th and 14th wards District No. 7; the 15th and 16th wards District No. 8; 17th and 18th wards District No. 9; 19th and 20th wards District No. 10;”

Which was read.

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour and Waters—36.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—45.

So the amendment was rejected.

The question again recurred upon the adoption of the substitute as offered by Mr. Grason ;

Mr. Tuck, moved to amend said substitute by striking out after “Prince George’s,” the word “three,” and inserting “four,” and after “Carroll,” strike out “three,” and insert “four;”

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling Dirickson, McMaster, Hearn, Jacobs, Stewart, of Caroline, Kilgour, Waters, Parke, Shower and Brown—38.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright,

Thomas, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Shewood, of Balt. city, Pressman, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer Fitzpatrick and Smith—43.

So the amendment was rejected.

The question again recurred upon the adoption of the substitute as offered by Mr. Grason,

Mr. Howard, moved the previous question, that is,

Shall the main question be now put?

On motion of Mr. Blakistone,

The Convention was called, and the Doorkeeper sent for the absent members ;

On motion of Mr. Pressman,

Further proceedings under the call was dispensed with.

The question was then put on the motion of Mr. Howard, for the previous question, that is,

Shall the main question be now put?

Mr. Wells, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Pressman, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—42.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Kilgour, Waters and Smith—38.

So the previous question was sustained.

The question was then put,

“Will the convention accept the substitute offered by Mr. Grason, for the amendment as offered by Mr. Johnson?”

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Mc-

Henry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Stewart, of Baltimore city, Presstman, Ware, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Smith, Fitzpatrick, Parke, Shower and Brown—42.

NEGATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Weems, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Gwinn, Brent, of Baltimore city, Sherwood, of Balt. city, Fiery, Kilgour and Waters—40.

So the Convention accepted said substitute.

Mr. Chambers, of Kent, gave notice that he should move to reconsider the vote of the Convention just taken on said substitute.

The question was then put on the adoption of the amendment.

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Colston, Constable, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Stewart, of Baltimore city, Presstman, Ware, Fiery Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—43.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Jenifer, John Dennis, James U. Dennis, Crisfield, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Kilgour and Waters.—40.

So the amendment was adopted.

The question then recurred upon the adoption of the proviso, as offered by Mr. Johnson, to the amendment offered by him.

Mr. Johnson, moved that said amendment be postponed, and gave notice of his intention to call it up at some other time.

Determined in the affirmative.

Mr. Phelps, gave notice of his intention on to morrow, to move a reconsideration of the order adopted limiting the debate on the Representation question to five minutes.

On motion of Mr. Brown,

The Convention took up for consideration the report of the committee on the Judiciary Department ;

Mr. Crisfield, moved that said report be postponed and made the special order of the day for Monday week next ;

Determined in the negative.

Mr. Thomas, moved that said report be postponed and made the special order of the day for Wednesday week ;

Determined in the affirmative.

The convention then proceeded to the consideration of the next order of the day, being the report from committee No. 14, creating a board of public works ;

Mr. Presstman moved that said report be postponed until to-morrow ;

Mr. Jenifer, moved that said report be postponed until the day after to-morrow ;

Determined in the affirmative.

On motion of Mr. Tuck,

The Convention took up for consideration the report of the committee on the Executive Department.

On motion of Mr. Tuck,

The Convention adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, April 2nd, 1851.

The Convention met,

The proceedings of yesterday were read.

Mr. Phelps, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention on the order limiting the debate on the Representation question to five minutes.

Determined in the affirmative.

Mr. Howard, gave notice that on to-morrow, when the report of committee No. 14, creating a Board of Public Works, should come up for consideration, he should offer the following article, which he desired to be entered upon the Journal.

It shall be the duty of the Legislature to exert the legal power of the State in the most effectual mode to produce the following result, viz : That the Chesapeake and Ohio Canal company, the Baltimore and Ohio Railroad company, the Baltimore and

Susquehanna Rail Road company and the Susquehanna Tide Water Canal company, shall each adopt a rate of tolls which shall be approved by the Treasurer of the State and which shall not be changed without his consent.

On motion of Mr. Blakistone, it was

Ordered, That it be entered upon the Journal, that Mr. Dent, from St. Mary's county, has been called home by the death of one of his children.

Mr. Chambers of Kent, renewed the notice of his intention to move a reconsideration of the amendment offered by Mr. Grason, and adopted by the Convention on yesterday to the report of the committee on Representation.

Mr. Fiery, presented a petition of sundry citizens of Frederick county, praying that a new county be erected, to be composed of the South Western portion of Frederick and South Eastern portion of Washington counties, composing the election districts of Jefferson, Petersville, Middletown and Catoclin districts in Frederick county and Sharpsburg and all of Pleasant Valley in Washington county,

Which was read, and

On motion of Mr. Fiery,

Referred to the committee on New Counties.

On motion of Mr. Sollers, it was

Ordered, That the Governor be requested (if in his opinion it be compatible with the public interest,) to cause to be transmitted to this Convention, copies of all papers and documents in relation to the case of the requisition of James S. Mitchell by the Governor of Pennsylvania.

On motion of Mr. Brent, of Baltimore city, it was

Ordered, That the committee on Corporations be instructed to inquire into the expediency of reporting an article requiring all rail road or canal companies, to charge an uniform price or rate of toll, for the transportation of passengers or freight, so that no discrimination shall take place.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Grason, as chairman of the committee on the Executive Department.

Mr. Grason, moved to amend the substitute offered by him on the 8th of March, for 2nd section of the report, and to be found on page 417 of the Journal, by striking out "first Wednesday of November," and inserting in lieu thereof "first Wednesday of October, in the year 1853 ;"

Mr. Chambers, of Kent, gave notice, when in order, he should move to amend said substitute by striking out "first Wednesday of November," and insert in lieu thereof "the Tuesday next after the first Monday in November in the year 1852 ;"

Mr. Grason, with the consent of the Convention withdrew his amendment and moved to fill the blank in said substitute, with the words "fifty-three;"

On motion of Mr. Stewart, of Balt. city,

The Convention was called, and the Doorkeeper sent for the absent members, who after a short time had elapsed, returned and reported that he had notified the absent members that their attendance in the Convention was required.

The question was then put on the amendment offered by Mr. Grason, to fill the blank with "fifty-three;"

Mr. Ware, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Sellman, Sollers, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Chambers, of Cecil, McCullough, Miller, Grason, Wright, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Parke and Brown—37.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Jenifer, John Dennis, James U. Dennis, Williams, Hodson, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Jacobs, Gaither, Kilgour and Waters—29.

So the amendment was adopted.

Mr. Chambers, of Kent, withdrew the amendment offered by him.

The question then recurred upon the adoption of the substitute as amended.

Mr. Sprigg, moved to amend said substitute by striking out all of said substitute to the word "Governor," inclusive in the 6th line, and inserting in lieu thereof the following:

"The persons qualified to vote for Delegates to the General Assembly shall meet at the time and places of electing electors of President and Vice President of the United States, in the year eighteen hundred and fifty-two, and at the same time and places in every fourth year thereafter, and elect a Governor—provided that the first Governor elected under this constitution shall not qualify, until the expiration of the term for which the present Governor was elected, and shall hold his office for three years, and until his successor shall have qualified."

Which was read.

Mr. Sprigg, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Sollers, Jenifer, John Den-

nis, James U. Dennis, Dashiell, Williams, Hodson, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Jacobs, Fiery, Kilgour and Wateis—31.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Chambers, of Cecil, McCullough, Miller, Grason, Wright, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Parke and Brown—38.

So the amendment was rejected.

Mr. Sollers, gave notice that he should at some future day, move to reconsider the vote of the Convention just taken on said amendment.

The question then recurred and was put,

“Will the Convention accept said substitute in place of the 2nd section?”

Determined in the affirmative.

Mr. Sprigg, gave notice of his intention at some future day, to move to reconsider the vote of the Convention just taken on the adoption of said substitute.

The said amendment was then adopted.

The 5th section of the report was then read.

Mr. Jenifer, moved the amendment to said section offered by him on the 8th March, and to be found on page 419 of Journal.

Mr. Thomas, then moved to amend said section by striking out all of said section to the word “third,” inclusive in the 5th line, and inserting in lieu thereof the amendment offered by him on the 8th of March, being as follows:

“The State shall be divided into four districts, Allegany, Washington, Frederick, Carroll and Baltimore counties to be the first; St. Mary’s Calvert, Charles, Prince George’s Anne Arundel, Howard and Montgomery counties the second; Baltimore city the third; Harford, and the eight counties on the Eastern Shore, the fourth district;”

After debate thereon,

At 3 o’clock, P. M.,

On motion of Mr. Sollers,

The Convention adjourned until to-morrow morning 10 o’clock.

THURSDAY, April 3rd, 1851.

'The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

The President laid before the Convention the following communication from the Hon. Louis McLane :

To the Hon. JOHN G. CHAPMAN, President of the Con.

Sir : In consequence of the state of my health, which absolutely requires relaxation from my constant attendance upon the Convention, I have the honor to ask, that leave of absence for two weeks may be granted to me?

I am, sir, with great respect,

LOUIS McLANE.

April 2, 1851.

Which was read,

On the question being put,

“Will the Convention grant the leave of absence asked?” it was Determined in the affirmative.

Mr. Biser, presented a petition of 45 citizens of Hauver's District in Frederick county, asking that a clause be inserted in the constitution, restricting the sale of intoxicating liquors except it be approved by a majority of the voters in said district ; and

Mr. Gaither, presented a petition of sundry citizens of Frederick county, of similar import ;

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Thomas gave notice that when the report of committee No. 14, creating a Board of Public Works, should come up for consideration, he should offer as a substitute for said report the following, which he desired should be entered upon the Journal and printed.

“At the first general election of Delegates of the General Assembly after the adoption of this Constitution, four commissioners shall be elected, as hereafter provided, who shall exercise a diligent and faithful Supervision on all Public Works, in which the State may be interested, as stockholder or creditor; and shall represent the State in all meetings of the stockholders, and perform such other duties as may be prescribed by law, and shall each receive a salary to be fixed by law, which salary shall not be increased or diminished during their continuance in office.

That one of these commissioners shall be a resident at the time of his election, and shall have been a resident at least years next preceding his election in a district to be composed of the counties of Allegany, Washington, Frederick, Carroll and

Baltimore; one of these commissioners shall be a resident and shall have resided at least years next preceding his election in a district to be composed of the counties of Montgomery, Howard, Anne Arundel, Calvert, St. Mary's Charles and Prince George's ; one of these commissioners shall reside at the time of his election, and shall have been a resident at least years next preceding his election, in a district composed of the city of Baltimore ; and the other commissioner shall reside at the time of his election, and shall have been a resident at least years next preceding his election, of a district to be composed of the counties of Harford, Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester.

Art 3rd. The said commissioners shall be elected by the qualified voters of their several districts respectively, the returns of their election shall be returned and certified to the Governor, who shall, by proclamation, declare the result of the election. Two of said commissioners shall hold their office for years, and the other two for years from the first Monday of December next, succeeding their elections ; and at their first meeting after their election, or as soon thereafter as practicable, they shall determine by lot, who of their number shall hold their offices for years respectively, and thereafter then shall be elected as aforesaid at each general election of Delegates two commissioners for the term of years, to be taken from the district respectively wherein the two commissioners resided at the time of their election, whose term of service has expired, and in case of a vacancy in the office of either of said commissioners by death, resignation or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill the same until the next general election, and in case of an equal division in the Board of said commissioners, on any subject committed to their charge, the Treasurer of the State shall have power, and shall be called upon to decide the same."

On motion of Mr. Smith,

The report of committee No. 14, creating a Board of Public Works, was made the special order of the day for Thursday next.

Mr. Jacobs, chairman of the committee on the Free Negro Population of this State, submitted the following

REPORT :

The select committee, raised by order of the Convention on the 4th December last, to whom was referred the subject of the free colored population of this State, were also required to report specifically " their actual numbers in the State, at the several census' of the United States down to, and including that just returned ; their annual increase ; the numbers that have been colonized in Africa ; the amount of colonization taxes, and to what purposes applied ; together with such laws as had a particular reference to that class of our population."

They were also required to submit to this Convention, "some

prospective plan, looking to the riddance of this State, of the free negro and mulatto population thereof, and their colonization in Africa."

Although more than three months have elapsed since that committee was raised, the nature and importance of the subject committed to their charge, was of such peculiar character as to forbid any hasty report; and the delay has been occasioned more by the difference in mode than the object sought to be secured. It will readily appear, that the duties of the committee were those of no sinecure office.* For, while to obtain the necessary information asked for in the order, they had to wade through a labyrinth of statistics, diffused through a lapse of 60 years; they had to meet, also, the more difficult task of recommending to the Convention some feasible plan, by which to consummate the ultimate design of colonization, viz—the riddance of, and settlement in Africa, the free colored population of this State.

The first point to which the attention of the committee was called, was the actual numbers of said population at the several census', &c.

By the census of 1790, the free negro population of this State amounted to

			8,043
By census of 1800	they amounted to		19,587
do.	1810	do.	33,927
do.	1820	do.	39,730
do.	1830	do.	52,938
do.	1840	do.	62,020
do.	1850	do.	73,158

Thus, from the foregoing it appears that while in 1790 there were but 8,043 free people of color in the State, at the end of the seventh decade there 73,158, making a constant annual increase of 1,052, for the whole period of 60 years.

The slave population of 1790 were 103,036, while in 1850 it numbers 90,000, making an annual decrease for the same time of 217. The white population in 1790 numbered 208,649; and in 1850, 412,803,—showing an annual increase for 60 years, just expired, of 3,404; not having doubled their number in that time, while the free negroes in same time have duplicated their numbers nine times over; or while the whites have increased upon their numbers less than 100 per ct. for the last sixty years, the free negroes have increased over 900 per ct.

The relative rate of increase between whites and free colored from 1790 to 1850, will appear by the following table:—

Allegany county, in 1790, had 1 free colored to 278 whites—in 1840, 1 to 68—in 1850, 1 to 54.

* The committee take pleasure in returning their thanks to Jno. H. B. Latrobe, Esq., of Balt. city, for his kindness, in furnishing much of the statistics and other data contained in this report.

Washington in 1790, had 1 free colored to 226 whites—in 1840, 1 to 16—in 1850, 1 to 14.

Frederick in 1790, had 1 free colored to 126 whites—in 1840, 1 to 13—in 1850, 1 to 8.

Baltimore county in 1790, 1 free colored to 23 whites—in 1840, 1 to 10—in 1850, 1 to 9.

Baltimore city in 1790, 1 free colored to 37 whites—in 1840, 1 to $4\frac{1}{2}$ —in 1850, 1 to 5.

Harford in 1790, 1 free colored to 14 whites—in 1840, 1 to $4\frac{3}{4}$ —in 1850, 1 to 5.

Montgomery in 1790, 1 free colored to 39 whites—in 1840, 1 to $6\frac{3}{4}$ —in 1850, 1 to 7.

Prince George's in 1790, 1 free colored to 61 whites—in 1840, 1 to 7—in 1850, 1 to 7.

Charles in 1790, 1 free colored to 25 whites—in 1840, 1 to 7—in 1850, 1 to 6.

Saint Mary's in 1790, 1 free colored to 24 whites—in 1840, 1 to $4\frac{1}{4}$ —in 1850, 1 to 3.

Calvert in 1790, 1 free colored to 30 whites—in 1840, 1 to $2\frac{1}{2}$ —in 1850, 1 to $2\frac{1}{3}$.

Anne Arundel in 1790, 1 free colored to 14 whites—in 1850, 1 to $2\frac{4}{5}$ —in 1850, 1 to $3\frac{1}{3}$.

Carroll in 1840, 1 to 17.

Cecil in 1790, 1 free colored to 61 whites—in 1840, 1 to $5\frac{1}{4}$ —in 1850, 1 to 6.

Kent in 1790, 1 free colored to 10 whites—in 1840, 1 to 2—in 1850, 1 to $1\frac{3}{5}$.

Caroline in 1790, 1 free colored to 16 whites—in 1840, 1 to 3—in 1850, 1 to $2\frac{1}{5}$.

Talbot in 1790, 1 free colored to $6\frac{3}{4}$ whites—in 1840, 1 to 2—in 1850, 1 to $2\frac{2}{5}$.

Queen Anne's in 1790, 1 free colored to 13 whites—in 1840, 1 to $2\frac{1}{5}$ —in 1850, 1 to $2\frac{1}{5}$.

Somerset in 1790, 1 free colored to 30 whites—in 1840, 1 to $4\frac{1}{5}$ —in 1850, 1 to $3\frac{2}{5}$.

Dorchester in 1790, 1 free colored to 19 whites—in 1840, 1 to $2\frac{2}{5}$ —in 1850, 1 to $2\frac{4}{5}$.

Worcester in 1790, 1 free colored to 43 whites—in 1840, 1 to $3\frac{4}{5}$ —in 1850, 1 to $3\frac{1}{5}$.

Baltimore, Frederick and Carroll, the latter taken off between 1830 and 1840—in 1840, 1 to 9.

Statement of the manumissions reported to the commissioners of the State fund, since 1832 to January 1st, 1851, as follows :

Total number of manumissions since March 1832, are	4,199
Of this number were manumitted forthwith,	1,587
Number prospective, and to take effect at a further time,	2,612

This number falls far short of the actual manumissions, as in many instances by will, neither names or numbers are given, but all slaves are set free at the testators decease, or at some future time.

The actual increase or decrease in the several counties and Baltimore city, of the whites and free colored since the census 1840, up to the census of 1850, and the relative increase per cent. during those ten years, will appear by the following table :

Actual Increase or Decrease since the Census of 1840 :

COUNTIES.	White, Increase.	Decrease.	Free Bl'k Increase.	Decrease.	Increase pr. ct. in the 10 yrs. between 1840 and '50.	
					White.	Free Colored.
Baltimore city,	63,294		6,658		78	36
Harford, -	2,373		349		19	14.3
Montgomery, -	1,156		56		13.9	4.4
Prince George's,	1,079		58		13	5
Charles,-		357	94		decrease.	10.2
Allegany, -	7,089		182		66.5	85
Washington,	2,235		305		9	19
Frederick, -	6,804		1,259		27	52
Baltimore county,	10,038		114		41.5	3.2
Saint Mary's,	45		210		7.5	15
Calvert,-	25		46		.7	3
Anne Arundel,	3,519		105		17.6	2.3
Cecil, -	2,203			61	16	decrease.
Kent, -		18	641		decrease.	25.8
Caroline,	762		1,068		14.3	62
Talbot, -	1,024		250		16.7	10.6

Queen Anne's,	-	-	-	908	642	184	14.7	29.9
Somerset, -	-	-	-	1,932	807		16	30.5
Dorchester,	-	-	-	59			.5	decrease.
Worcester, -	-	-	-	59	520		.5	16.9

Total White increase per cent. 29.9

Free Black do 17.9

Slaves have decreased.

Thus it appears from an increase, demonstrated by the actual returns of the present census, the free negro population on the given rate of progression, must, in a few years, exceed the white population in eleven counties of the State.

Baltimore county exhibits the largest white increase over the free colored; from their known partiality to village or city life, that is easily accounted for—Baltimore city being located in that county.

The city of Baltimore shows a very large increase of free blacks, but the ratio of white increase exceeds that, because of large accessions from the country and foreign emigration added to the actual city increase proper.

Kent and Worcester show the largest increase of free blacks over the whites, to be found in any of the counties.

The cause of this state of things in the counties is sufficiently apparent. The white population are constantly removing to the Western States, in quest of homes and fortunes, when their situation here becomes crowded or uncomfortable; while the free negro, conversant only with what he sees around him, hesitates to relinquish a tolerable abode, for one of which he knows nothing, and of questionable advantage at best. Besides, the free negro knows that when he once leaves the State, the law forbids his return, and he makes up his mind to remain where he is, trusting to events, precarious as they may be, for future good.

Thus, the motives, prompting the industrious and enterprising white man to leave the sterile lands, and already sparsely settled counties, in pursuit of wealth, ease and happiness, do not effect the free negro; and he remains where he is, increasing and propagating his kind, nurtured and reared in all the vices, ignorance, wants and degradations, characterizing a class of our population called free, but in reality the veriest slaves on earth, from the very force of circumstances surrounding them, and over which they can never have any control.

The next point of inquiry is—"the numbers that have been colonized in Africa." This question applies to the operations of the Maryland State Colonization Society, aided by the act of 12th March 1832.

That act appointed a board of Managers, whose duty it should be, "to remove from the State the people of color then free, and such as should thereafter, become so, to the Colony of Liberia in Africa, or such other place out of the limits of Maryland as they should consent to go to." To do which, the Treasurer was authorised to contract loans to the amount of \$200,000, and there was levied upon the counties and city of Baltimore, the annual amount of \$10,000, to pay the interest and principal of such loans.

That act expires on 12th March 1852.

Previous to the passage of this act, the Maryland State Colo-

nization Society had been incorporated, and was in full operation; the board of managers appointed by act of 1831 were required to be taken from that society, so that, combining the resources of the State and the society together, and all directed by that society, the fruits of the enterprise flow from both, and the answer to this inquiry includes that other also; "the amount of Colonization taxes, and to what purposes applied."

There have been Colonized in Africa since November 1831, 1,611 souls; and the entire expenditures of the society from its organization in 1831, up to the 1st January, 1851, have been \$298,000; Of which, there has been received from the State, the sum of \$181,139 91, under the law of 1831; \$13,463 35, from the tax upon slaves brought into the State; \$930, from the appropriation of the act of 1827; and the balance \$103,467 74, from other sources. Of other resources, the principal ones have been the contributions of individuals, and the gain on the profit and loss account of trade by the society, to the coast of Africa. The gain on the trade alone amounting to over \$59,000 00 in that time.

The expenses in Baltimore, since the commencement of the society's operations, say since 1831, have averaged annually about \$2,200, or, in all \$44,000. This is made up of various sums such as \$1,000, paid as a salary to home agent; a clerk at salary of \$300; and a travelling agent of \$50, per month; office rent fuel, &c., make up the balance. Besides this, there is paid the sum of \$2,800, annually, as salaries to officers in Maryland, in Africa.

The Maryland State Colonization Society, incorporated by the Legislature at December session 1831, chapter 314, the object of which, was to employ the means collected in Maryland to the removal of the free colored population of the State under the auspices of the American Colonization Society at Washington, formed in December 1816; though this purpose could be better effected by a separate and independent action on the part of the State and society; hence, in the fall of 1833, the State Society determined, with the co-operation of the managers of the State Fund, to found the Colony of Maryland in Liberia; the seat of whose government should be Cape Palmas.

The purchase of territory was made in February, 1834, to the extent of 130 miles on the Atlantic Coast, and to an indefinite extent in the interior. So that, a part of the above expenses of the Society, is attributable also, to the purchase of territory, as well as the collecting, sending and settling of Colonists therein, together with the necessary expenses attending the municipal and practical developments of a government, which now forms a nucleus of a future, and it may be, mighty empire.

The committee conclude this report by adding the census of 1850, just completed; together with the results of their deliberations, which they propose to incorporate in the constitution, as

most likely to secure the objects sought for in the last paragraph of the order :

CENSUS OF 1850.

Counties.	Slaves.	Free Colored.	Whites.	Total.
Cecil	343	2,612	15,482	18,937
Kent	2,426	3,132	5,598	11,357
Caroline	808	2,788	6,096	9,692
Talbot	4,137	2,590	7,087	13,811
Queen Anne's	4,271	3,174	7,040	14,485
Somerset	5,588	3,453	13,417	22,458
Dorchester	4,282	3,803	10,788	18,873
Worcester	3,453	3,593	11,824	18,570
Allegany	724	397	21,752	22,872
Washington	2,089	1,885	26,969	30,943
Frederick	3,912	3,771	33,300	40,983
Baltimore county	3,767	3,600	34,422	41,569
Baltimore city	2,946	24,525	141,441	169,012
Harford	2,166	2,785	14,414	19,365
Montgomery	5,114	1,311	9,435	15,860
Prince George's	11,510	1,138	8,902	21,550
Saint Mary's	5,811	1,590	6,280	13,681
Calvert	4,488	1,520	3,610	9,618
Charles	9,584	913	5,665	16,162
Anne Arundel	11,244	4,602	16,524	32,388
Carroll	976	963	18,676	20,615

Sec. 1. The General Assembly shall have power to pass laws for the government of the free colored population, and for their removal from this State; and at its first session after the adoption of this constitution, shall provide by law for their registration.

Sec. 2. No person of color shall be capable of purchasing or holding real estate within this State, by title, acquired after the adoption of this constitution. And all deeds, wills, contracts and other conveyances, purporting to convey real estate to any free person of color shall be absolutely null and void; provided, nothing herein contained shall be construed to make void any title, or change the course of descent of real estate held by any title which may exist at the time of the adoption aforesaid; and provided further, nothing herein contained shall prohibit leases of real estate to free persons of color for a term not exceeding one year, and provision shall be made by law for regulating the execution and recording of such leases.

Sec. 3. No slave shall be emancipated or become free except upon condition that he or she leaves this State within thirty days next after his or her right to freedom shall accrue.

Sec. 4. No free person of color shall immigrate to, or come within this State to reside.

Mr. Sollers, chairman of the committee on the future Amendments and Revisions of the constitution, submitted the following

REPORT :

1st. That this form of Government and the Declaration of Rights, and any part thereof may be altered, changed or abolished by the passage of a bill by the General Assembly, so to alter, change or abolish the same, provided such bills shall be published at least three months before a new election, and shall be confirmed by the General Assembly, after a new election of Delegates in the first session after such new election.

2nd. That a Convention to alter, change and abolish this form of government, and the Declaration of Rights may be called by the passage of a bill for that purpose, provided such bill be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election of Delegates in the first session after such new election.

Which was read.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Gason, as chairman of the committee on the Executive Department.

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Jenifer, to the 5th section of the report.

Mr. Dorsey, gave notice when in order, he should move the following as a substitute for the 5th section of the report, and the amendment proposed by Mr. Jenifer thereto;

Article 5. The State shall be divided into three districts, the eight counties of the Eastern shore to be the first; St. Mary's, Charles, Calvert, Prince George's, Anne Arundel, Howard, Allegany, Washington, Frederick and Carroll counties the second; and Baltimore and Harford counties and the city of Baltimore, the third; and the Governor elected from the second district in October last, shall continue in office until his successor shall be chosen from the third district, and shall have qualified as such; and then a Governor shall be taken from each district in regular succession."

Mr. Jenifer, withdrew the amendment offered by him and accepted the amendment offered by Mr. Thomas.

Mr. Bowie, then moved to amend said amendment by inserting after "Carroll," the word "Harford," and by striking out in the 4th line the word "Harford;"

Mr. Thomas accepted this amendment.

The question then recurred upon the adoption of the amendment as amended.

After debate thereon,

Mr. Stephenson, moved the previous question, that is

“Shall the main question be now put?”

Mr Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch Chandler, Dickinson, McCullough, Tuck, Grason, Wright, Gaither, Biser, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—35.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Bond, Lloyd, John Dennis, Dashiell, Williams, Hodson, Miller, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Jacobs, Thomas, Shriver, Davis, Kilgour, Waters and Smith—31.

So the Convention sustained the previous question.

The question was then put,

“Will the Convention accept the substitute as offered by Mr. Thomas, for the 5th section of the report, and amended on the motion of Mr. Bowie?”

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Sellman, Howard, Chandler, Lloyd, Dickinson, McCullough, Bowie, Bowling, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson, Brent, of Baltimore city, Michael Newcomer, Brewer, Slicer and Brown—20.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Bond, Jenifer, Buchanan, Bell, Welch, John Dennis, Dashiell, Williams, Hodson, Miller, Tuck, Sprigg, McCubbin, Grason, Wright, Dirickson, McMaster, Jacobs, McHenry, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Fiery, Davis, Kilgour, Waters, Anderson, Hollyday, Fitzpatrick, Smith, Parke and Shower—46.

So the Convention refused to accept the substitute.

The question then recurred on the adoption of the substitute as offered by Mr. Dorsey in place of the 5th section of said report.

On motion of Mr. Dorsey,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Davis and Waters—7.

NEGATIVE—Messrs. Chapman, Prest, Morgan, Blakistone, Hopewell, Dickinson, Ricaud, Bond, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, John Dennis, Dashiell, Williams, McCullough, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Grason, Wright, Dirickson, McMaster, Jacobs, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Michael Newcomer, Kilgour, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—57.

So the Convention refused to accept the substitute.

The question then recurred upon the adoption of the 5th section as reported by the committee.

Determined in the affirmative.

On motion of Mr. McHenry,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Dorsey, Wells, Randall, Sellman, Bond, Howard, Buchanan, Bell, Chandler, Lloyd, Dickinson, John Dennis, Dashiell, Williams, Hodson, McCullough, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Grason, Wright, Dirickson, McMaster, Jacobs, Thomas, Shriver, Biser, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Stewart of Baltimore city, Ware, Fiery, Davis, Kilgour, Brewer, Waters, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Shower and Brown—55.

NEGATIVE—Messrs. Donaldson, Jenifer, Welch, Gaither, Sappington, McHenry, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Michael Newcomer and Parke—11.

So the 5th section was adopted.

The President laid before the Convention the following communication from His Excellency Governor Lowe:

STATE DEPARTMENT,

Annapolis, April 2nd, 1851.

TO THE PRESIDENT

OF THE CONVENTION:

SIR: In compliance with the resolution of the Convention, I herewith transmit copies of the papers and documents, on file in this Department, relating to the case of the requisition of the Governor of Pennsylvania, for the delivery of J. S. Mitchell.

I have the honor to be,

Respectfully, &c.

E. LOUIS LOWE.

Which was read.

Mr. Blakistone, moved that said report be referred to a select committee of seven to be appointed by the Chair.

Determined in the affirmative.

Mr. Blakistone, requested of the Chair, that he should not be appointed a member of said committee.

The Chair thereupon appointed Messrs. Sollers, Shriver, Bowie, Howard, Williams, Lloyd and McHenry, to compose said committee.

The Convention then resumed the consideration of the report of the committee on the Executive Department.

Mr. McHenry, moved to amend said report by adding at the end thereof as an additional section the following:

Sec. Every bill, resolution or act, which shall have passed the General Assembly, shall before it becomes a law, be presented to the Governor; if he approve he shall sign it, but if not, he shall return it with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of each house shall agree to pass such bill, resolution or act, it shall become a law. But in all such cases the votes of both houses shall be taken by yeas and nays, which shall be entered on their respective journals. If any bill, resolution or act, shall not be returned by the Governor within five days after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the General Assembly by its adjournment, prevent its return, in which case it shall not be a law;

Which was read, and

On motion of Mr. Bowie,

Postponed until to-morrow.

Mr. Bowie, from the committee on Printing, submitted the following

REPORT

The committee on printing to whom was referred the letter of Henry G. Wheeler, the Reporter to the Convention, beg leave to report, that the fund heretofore appropriated to meet the expense incurred in the reports of the debates of the Convention will soon be exhausted. When the contract was made with the Reporter a majority if not all of the committee were of opinion that the labors of the Convention would have terminated by the fifteenth day of March last, and this opinion it is believed was generally if not universally acquiesced in by the Convention itself. The only departure which is brought to the notice of the committee from the terms of the original contract has occurred in some reports of speeches by the members themselves which extended beyond the "sketches of debates," as expressed in the terms of the contract whereby the extent and expense of said debates have been greatly increased, but this departure has been acquiesced in by the Con-

vention to which the said contract was reported. The committee impressed with the importance of continuing the debates after having progressed so far would recommend the adoption by the Convention of a resolution making a further appropriation of the sum of two thousand dollars, which it is believed will fully meet this expense.

The committee in making this report must do the justice to the Reporter to add, that in the event of the refusal of the Convention to make the appropriation necessary to meet the expenses, he is willing to continue his individual labor in the service of the Convention without further compensation, but at the same time they cannot believe that the Convention would accept the said services without making ample remuneration.

All which is submitted.

THOMAS F. BOWIE,
J. B. RICAUD,
A. RANDALL.

Resolved, That the President of this Convention pay to the order of Henry G. Wheeler, the Reporter of this Convention, such sums from time to time, as he shall obtain certificates from the committee on accounts, for reporting the debates of the Convention, provided the gross amount of said orders shall not exceed the sum of two thousand dollars;

Which was read.

Mr. Stewart, of Baltimore city, desired it to be entered on the journal, that he dissented from said report as a member of said committee.

The question was then put on the adoption of the resolution :

Mr. Sappington moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Bond, Sollers, Jenifer, Howard, Buchanan, Welch, Chandler, John Dennis, Dashiell, Williams, Hodson, Bowie, Tuck, Sprigg, McCubbin, Bowling, Wright, McMaster, Gaither, Magraw, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Baltimore city, Davis, Kilgour, Waters, Anderson, Smith and Shower—40.

NEGATIVE—Messrs. Bell, Lloyd, Dickinson, McCullough, Miller, Shriver, Biser, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Balt. city, Ware, Fiery, Michael Newcomer, Brewer, Hollyday, Slicer, Fitzpatrick, Parke and Brown—23.

So the resolution was adopted.

Mr. Tuck submitted the following order :

Ordered, That the Chairman of the several standing committees constitute a committee of revision to whom shall be referred

all articles of the Convention after they shall have been passed upon by the Convention, to be examined and printed for the use of the Convention prior to their final adoption ;

Which was read.

Pending the question, thereon,

On motion, the Convention adjourned until to-morrow morning 10 o'clock.

FRIDAY, April 4th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Fitzpatrick, from the committee on further Amendments and Revisions of the Constitution submitted the following report :

At the session of the General Assembly, next succeeding the return of every census of the United States hereafter to be taken — it shall be the duty of the Legislature to take the sense of the people of Maryland at the next general election of Delegates to be held thereafter, for and against a Convention—and if it be ascertained that a majority of the people are in favor of a Convention, the Legislature shall take measures for the election of Delegates to and for the assembling of the Convention at the earliest convenient day.

All of which is respectively submitted,

JAMES FITZPATRICK,
THOS. J. WELCH,
J. SAPPINGTON,
JNO. D. GAITHER,

Which was read.

Mr. Thawley, gave notice of his intention at some future time to move a reconsideration of the resolution adopted on yesterday, submitted from the committee on Printing. in favor of Henry G. Wheeler, the Reporter of the Convention.

The question pending before the Convention on yesterday was then taken up for consideration, being the order submitted by Mr. Tuck, "that the chairmen of the several standing committees constitute a committee of Revision, to whom shall be referred all articles of the constitution, after they shall have been passed upon

by the Convention, to be examined and printed for the use of the Convention, prior to their final adoption ;”

Mr. Thomas, moved to amend said order, by striking out the words “chairmen of the several standing committees,” and inserting in lieu thereof, “President appoint a committee of five to;”

Determined in the affirmative.

The said order was then adopted as amended.

Mr. Shriver, called the attention of the Convention to a mistake in the tabular statement of the census of 1850, in relation to Frederick county, as attached to the report of Mr. Jacobs, chairman of the committee on the Free Negro Population of this State, and asked to have the following corrections made on the Journal of yesterday, page 552. “Slaves 3,912, Free Colored 3,771, White 33,300 ; Total 40,983.”

On motion of Mr. Smith,

The Convention took up for consideration report No. 19, from the special committee on New Counties, in relation to a division and erection of a new county out of Allegany.

The said article having been read.

Mr. Jenifer, moved to amend said article by adding at the end thereof the following proviso :

“Provided the Delegates from the two counties thus divided, shall not be increased by the Legislature until after the next census ;”

Which was read.

Mr. Jenifer, (with the permission of the Convention,) withdrew said amendment and moved to amend said article by striking out the word “county,” wherever it occurs in said article, and substituting in lieu thereof the words “judicial district ;”

Mr. Jenifer, also, withdrew said amendment ;

Mr. Thomas, then moved to amend said article by adding at the end thereof, the following proviso :

“Provided, that the whole representation in the General Assembly of the county when divided, shall not exceed the present delegation of Allegany county, allowed under this Constitution until after the next census ;”

Determined in the affirmative.

The question then recurred upon the adoption of the article as amended ;

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Chambers, of Kent, Howard, Buchanan, Bell, Welch, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, Grason, Wright, Thomas, Shriver, Gaiher, Biser, Annan, Sappington, Stephenson,

Magraw, Nelson, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Fiery, John Newcomer, Michael Newcomer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith and Shower—37.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Sollers, Jenifer, Dickinson, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, Bowling, Dinickson, McMaster, Hearn, Jacobs, Carter, Ware, Davis, Kilgour and Waters—32.

So the article was adopted as amended.

Mr. Bowie, gave notice of his intention when the Convention is full, to move a reconsideration of the vote of the Convention just taken on said article.

On motion of Mr. Chambers, of Kent,

The Convention took up for consideration the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department ;

The question pending before the Convention at the time said report was postponed, being on an amendment offered by Mr. Donaldson, as a substitute for the 3d section of said report, and to be found on page 334 of Journal ;

Mr. Donaldson, (with the consent of the Convention,) so modified his amendment, as to insert after the word "on," in the 1st line, the words "the Tuesday after," and after the word "the;" in the 4th line, by inserting "Tuesday after the ;"

The question was then put,

"Will the Convention accept said substitute as amended in place of the 2d section of the report?"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, Bowling, Dinickson, McMaster, Hearn, Jacobs, Fiery, John Newcomer, Davis, Kilgour, Waters and Smith—32.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Welch, Dickinson, Sherwood, of Talbot, Colston, McCullough, Miller, Grason, Wright, Thomas, Shriver, Gauthier, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Michael Newcomer, Anderson, Hollyday, Slicer, Fitzpatrick and Shower—34.

So the Convention refused to accept the substitute.

The question then recurred upon the adoption of the 3rd section of said report ;

On motion of Mr. Chambers, of Kent,

Said section was amended by striking out in the 2nd line "Monday," and inserting in lieu thereof, "Wednesday ;"

Mr. Donaldson, moved further to amend said 3rd section by striking out in the 1st line the words "Senators and ;"

Mr. Howard, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Jenifer, Dickinson, Sherwood, of Talbot, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Bowie, Tuck, Sprigg, Wright, Dirickson, McMaster, Hearn, Jacobs, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Fiery, John Newcomer, Davis, Kilgour and Waters—42.

NEGATIVE—Messrs. Howard, Buchanan, Bell, Welch, Colston, McCullough, Grason, Thomas, Shriver, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Michael Newcomer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith and Shower—22.

So the amendment was adopted.

Mr. Sellman, when his name was called on the yeas and nays just taken, asked to be excused from voting on said amendment ;

On the question being put ; it was

Determined in the affirmative.

Mr. Bowling, when his name was called on the yeas and nays just taken, also asked to be excused from voting, and on the question being put ; it was

Determined in the affirmative.

Mr. Chambers, of Kent, moved that the Convention reconsider their vote on the 9th section of said report ;

Determined in the affirmative.

Mr. Chambers, of Kent, then moved to amend said section by striking out in the first line, these words, "No Priest, Clergyman or Teacher of any religious persuasion, society or sect," and inserting in lieu thereof, "No Minister or Preacher of the Gospel, of any denomination ;"

Determined in the affirmative.

The said 9th section was then adopted as amended.

Mr. Donaldson, gave notice of his intention to move to reconsider the vote of the Convention on the 4th section of said report.

On motion of Mr. Tuck,

The Convention took up for consideration the 24th section of said report, which had been passed over informally, as will be seen by reference to page 374, of Journal.

Mr. Tuck, then offered as a substitute for said section the following :

“No Senator or Delegate of the Assembly, if he shall qualify as such, shall hold or execute any office of profit under executive appointment or receive the profit of any office exercised by any other person under executive appointment, during the time for which he shall be elected, except that of Justice of the Peace.”

Which was read.

On the question being put,

“Will the Convention accept said substitute?” it was

Determined in the affirmative.

The question then recurred on the adoption of the amendment.

Mr. Stephenson, moved to amend said amendment by inserting after the word “Executive,” the words “or legislative;”

Which amendment Mr. Tuck accepted.

The said amendment was then adopted as amended in place of the 24th section.

Mr. Brent, of Balt. city, moved further to amend said report by adding at the end thereof as an additional section the following :

“It shall be the duty of the General Assembly at its first session after the adoption of this constitution, to regulate by law the time of holding elections for Senators of the United States, so that the said election shall not take place earlier than at the regular session of the General Assembly next preceding the commencement of the Senatorial term to be filled, and the said time when so fixed, shall not be altered by any subsequent law;”

Which was read.

Mr. Bowie, moved to amend said amendment by adding at the end thereof the following :

“And it shall be the duty of the General Assembly, to lay off the State into six Senatorial districts, and to pass such laws as will ensure the alternate election of one Senator from each of said districts, as the vacancies therein may respectively occur;”

Pending the question on this amendment,

Mr. Phelps gave notice of his intention at the proper time that he should move to amend the 23rd section of said report, by adding at the end thereof the following :

“But new counties may be established by the Legislature containing the requisite population composed of parts of two or more counties, whenever a majority of voters in each of said counties shall at any election for delegates to the Assembly, desire such new county to be erected. Provided, that no new county shall

be established unless a bill for that purpose shall be passed at two successive sessions of the General Assembly."

On motion of Mr. Jenifer.

The Convention adjourned until to-morrow morning 10 o'clock.

SATURDAY, April 5th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The roll having been called, and it being ascertained that a quorum was not present.

Mr. Michael Newcomer, moved the Segeant-at-Arms be sent with the mace, after the absent members in the city, to enforce their attendance.

Mr. Tuck, moved the Convention adjourn;

Mr. Michael Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Pres't, Sollers, John Dennis, Tuck and Bowling—5.

NEGATIVE.—Messrs. Blackistone, Hopewell, Chambers, of Kent, Dorsey, Wells, Howard, Buchanan, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Miller, Grason, Wright, Dirickson, McMaster, Hearn, Shriver, Gaither, Biser, Annan, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Slicer, Fitzpatrick, Smith and Shower—43.

So the Convention refused to adjourn.

The question then recurred on the motion of Mr. Michael Newcomer, that the Sergeant-at-Arms be sent with the mace, after the absent members in the city to enforce their attendance.

Mr. Blakistone, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Chambers, of Kent, Mitchell, Dorsey, Jenifer, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Dashiell, Hodson, Miller, McMaster, Shriver, Gaither, Stephenson, Magraw, Nelson, Carter, Thawley, Brent, of Balt. city, Sherwood of Balt. city, Fiery, John Newcomer, Michael Newcomer, Davis, Kilgour, Slicer and Shower—28.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Hopewell Wells, Sollers, John Dennis, Williams, Phelps, Tuck, Bowling Grason, Wright, Dirickson, Hearn, Biser, Annan, Stewart o Caroline, Ware, Waters, Anderson, Fitzpatrick and Smith—24

Determined in the affirmative.

On motion of Mr. Blakistone,

Further proceedings under the mace was dispensed with.

The proceedings of yesterday were read:

The President announced the appointment of the following committee, as a committee of Revision under the order adopted on yesterday, Messrs. Tuck, Grason, Chambers, of Kent, Randall and Magraw.

On motion of Mr. Tuck,

The convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department.

The question pending on yesterday before the Convention being on the amendment offered by Mr. Bowie, to the amendment offered by Mr. Brent, of Balt. city, as an additional section to the report.

After debate thereon,

On motion of Mr. Fitzpatrick,

The Convention adjourned until Monday morning 10 o'clock.

MONDAY, April 7th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The roll having been called, and it being ascertained that a quorum was not present.

Mr. Blakistone, moved the Covention adjourn,

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't. Blakistone, Randall and John Dennis—4.

NEGATIVE—Messrs. Chambers, of Kent, Donaldson, Wells, Sellman, Howard, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Dashiell, Williams, Hodson, Phelps, Miller, Drickson, McMaster, Thomas, Gaither, Biser, Annan, Stephenson,

McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Sherwood, of Balt. city, Fiery, John Newcomer, Michael Newcomer, Davis, Waters, Anderson, Hollyday, Slicer, Smith, Shower and Cockey—39.

So the Convention refused to adjourn.

When Mr. Jacobs' name was called on the yeas and nays just taken, Mr. Dirickson, rose in his place and desired it to be entered on the Journal that Mr. Jacobs, was detained from his seat by indisposition.

The President communicated to the Convention, that Mr. McCullough, had desired him to state that he was unavoidably detained from the Convention to-day.

The President also informed the Convention that Mr. Chandler, was confined by indisposition and prevented from attending the Convention.

On motion of Mr. Gwinn, it was

Ordered, That it be entered upon the Journal that Mr. Presstman, is detained from the Convention by indisposition.

On motion of Mr. Blakistone,

The Convention adjourned until to-morrow morning 10 o'clock.

TUESDAY, April 8th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of Saturday and Monday were read.

The Convention resumed the consideration of the order of the day, being the report submitted by Mr. Johnson, as chairman of the committee on the Legislative Department;

The question pending before the Convention on Saturday, being on the amendment offered by Mr. Bowie, to the amendment offered by Mr. Brent, of Balt. city, as an additional section to the report;

Mr. Bowie, (with the consent of the Convention,) withdrew the amendment offered by him and substituted in lieu of it, the following :

“The State shall be divided into two United States Senatorial Districts, the Eastern Shore shall compose the first district, and the Western Shore, the second ; and it shall be the duty of the Gene-

ral Assembly in prescribing the manner of holding elections for United States Senators, and in execution thereof, to elect alternately, from time to time, a United States Senator from each of said Shores, as vacancies in the office of United States Senator may respectively occur, and if the appointment of a United States Senator shall devolve upon the Executive in the recess of the General Assembly, the same rule and mode of appointment shall be observed by him in all appointments of United States Senator so made ;”

Which was read.

Mr. Chambers, of Kent, moved to amend said amendment to the amendment, by inserting the following to precede it : “And it is hereby recommended ;”

After debate thereon,

Mr. Chambers, of Kent, withdrew his amendment.

Mr. Stewart, of Caroline, then moved to amend said amendment offered by Mr. Bowie, by striking out the same, and inserting in lieu of it the following :

“It is hereby recommended to the Legislature so to make their selections of United States Senators, as that there shall always be one from the Western and one from the Eastern Shore; it is also recommended to the Governor in his appointments to fill vacancies in the United States Senate, to select the appointee from the Shore where the vacancy may occur ;”

Which was read.

Mr. Brown, moved the previous question ;

And not being seconded,

Mr. Bowie, moved for a division of the question upon striking out.

Mr. Ricaud, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Sollers, Welch, Dickinson, Sherwood, of Talbot, Colston, James U. Dennis, Williams, Hodson, Miller, Sprigg, George, Carter, Thawley, Stewart, of Caroline, Gwinn, Brent of Balt. city, Ware, Fiery, John Newcomer, Davis, Hollyday, Slicer, Fitzpatrick, Smith, Shower, and Cockey—32.

NEGATIVE—Messrs. Morgan, Blackistone, Hopewell, Howard, Dashiell, Hicks, Phelps, Bowie, Dirickson, McMaster, Hearn, Thomas, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Sherwood, of Baltimore city, Schley, Michael Newcomer, Kilgour, Anderson and Brown—26.

So the Convention determined to strike out.

The question then recurred on the adoption of the amendment as offered by Mr. Stewart, of Caroline ;

The yeas and nays being ordered and taken appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell Ricaud, Chambers, of Kent, Mitchell, Wells, Sollers, Dickinson, Sherwood, of Talbot, Colston, Dashiell, Hicks, Hodson, Phelps, Miller, Dirickson, Carter, Thawley, Stewart, of Caroline, Davis and Kilgour—22.

NEGATIVE—Messrs. Blakistone, Donaldson, Randall, Howard, Welch, James U. Dennis, Williams, Bowie, Sprigg, McMaster, Hearn, Thomas, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Michael Newcomer, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—35.

So the amendment was rejected.

The question then recurred upon the adoption of the amendment as offered by Mr. Brent, of Balt. city, as an additional section to the report ;

Mr. Brent, of Balt. city, (with the consent of the Convention,) as amended said amendment by inserting after the words "senatorial term," the words "or the session succeeding the occurrence of the vacancy ;"

The question again recurred upon the adoption of said amendment as amended.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, President, Blakistone, Dickinson, Sherwood, of Talbot, Colston, Miller, Bowie, Sprigg, Stephenson, Nelson, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Ware, Anderson, Hollyday, Slicer, Shower and Brown—19.

NEGATIVE.—Messrs. Morgan, Hopewell, Ricaud, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Sollers, Howard, Welch, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Phelps, George, Dirickson, McMaster, Thomas, Gaither, Biser, Annan, McHenry, Magraw, Carter, Thawley, Stewart of Caroline, Schley, Fiery, John Newcomer, Michael Newcomer, Davis, Kilgour, Fitzpatrick, Smith and Cockey—38.

So the amendment was rejected.

On motion,

The Convention adjourned until to-morrow morning 10 o'clock.

WEDNESDAY, April 9th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Stephenson, submitted the following order:

Ordered, That on and after to-morrow, this Convention will hold two sessions each day, the morning session to commence at 9 o'clock, A. M., and continue until 2 o'clock, P. M., when it will adjourn to 4 o'clock, P. M., at which hour it will meet again for the transaction of business;

Which was read.

Mr. Kilgour, moved to lay said order on the table.

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Phelps, Bowie, Hearn, Brent, of Balt. city, Ware, Davis, Kilgour, Waters and Anderson—24.

NEGATIVE—Messrs. Blakistone, Sellman, Howard, Buchanan, Welch, Dickinson, Sherwood, of Talbot, Colston, McCullough, George, McMaster, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Schley, Fiery, John Newcomer, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Smith, Shower, Cockey and Brown—31.

So the Convention refused to lay the order on the table.

The question then recurred on the adoption of the order.

Mr. Ware, moved to amend said order by striking out "nine," and inserting in lieu thereof "ten ;"

Determined in the affirmative.

Mr. Gwinn, moved the previous question, and not being seconded,

Mr. Bowie, moved further to amend said order by striking out "two," and inserting "three ;"

Mr. Dashiell, moved to lay said order and amendment on the table ;

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Sollers, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Phelps, Bowie, Sprigg, Hearn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis, Kilgour, Waters and Anderson—27.

NEGATIVE—Messrs. Blakistone, Sellman, Howard, Buchanan,

Welch, Dickinson, Sherwood, of Talbot, Colston, McCullough, George, McMaster, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Schley, Fiery, John Newcomer, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Smith, Shower, Cockey and Brown—32.

So the Convention refused to lay the order and amendment on the table.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Bowie, to strike out "two," and insert "three," and

Determined in the negative.

Mr. Dashiell, then moved to amend said order by striking out "three," and inserting "four,"

Determined in the negative.

The question then recurred and was put on the adoption of the order ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Sellman, Sollers, Howard, Buchanan, Welch, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Phelps, McCullough, George, McMaster, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Schley, Fiery, John Newcomer, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Smith, Shower, Cockey and Brown—36.

NEGATIVE—Messrs. Chapman, Pres't. Morgan, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Dashiell, Williams, Hicks, Hodson, Bowie, Sprigg, Hearn, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, Davis, Kilgour, Waters and Anderson—23.

So the order was adopted.

The Convention then resumed the consideration of the unfinished order of the day being the report submitted by Mr. Johnson, chairman of the committee on the Legislative Department.

The question pending, being on an amendment offered by Mr. Weems, to an amendment offered by Mr. Sprigg, on the 24th of February, and to be found on page 358, of Journal, to be inserted as the 19th section of the report ;

The amendment of Mr. Weems, being to insert after the words "all the members," the word "elected ;"

Mr. Sprigg, accepted this amendment.

The question then recurred and was put upon the amendment offered by Mr. McHenry, also on page 358 of Journal, to strike out the words "two-thirds," and inserting in lieu thereof "a majority ;"

Determined in the negative.

The question then recurred and was put on the adoption of the amendment to the report offered by Mr. Sprigg, as the 19th section, and amended on the motion of Mr. Weems; and

Determined in the affirmative.

Mr. Brown, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the 17th section of the report.

The 23rd section in said report, which had been passed over informally, was then read.

Mr. John Newcomer, moved to amend said section by filling the first blank in said section with "fifteen thousand ;"

Determined in the affirmative.

Mr. Phelps, moved to amend said section by filling the second blank with "twelve thousand ;"

Mr. McMaster, moved to fill said second blank with "fifteen thousand ;"

Determined in the affirmative.

Mr. Phelps, then moved further to amend said section by adding at the end thereof, the amendment offered by him on the 4th inst., and to be found on page 562 of Journal.

Mr. Phelps, (with the consent of the Convention,) amended his amendment by striking out in the 2nd line thereof, the word "two," and inserting "one ;"

Mr. John Newcomer, moved to reconsider the vote of the Convention on the amendment offered by him to said section, filling the first blank with "fifteen thousand ;"

On motion of Mr. Phelps,

The Convention was called.

On motion of Mr. Phelps,

Further proceedings under the call was dispensed with.

The question was then put on the motion of Mr. John Newcomer, to reconsider the vote of the Convention on the amendment offered by him to said section, filling the blank with "fifteen thousand ;"

Mr. Kilgour, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Hope-well, Ricaud, Chambers, of Kent, Randall, Buchanan, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, McCullough, Bowie, Sprigg, Dirickson, McMaster, Hearn, Stephenson, Nelson, Thawley, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, John Newcomer, Michael Newcomer, Davis, Kilgour and Waters—31.

NEGATIVE—Messrs. Donaldson, Dorsey, Sellman, Howard, Welch, Dickinson, Sherwood, of Talbot, Colston, George, Biser,

Annan, McHenry, Schley, Fiery, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—23.

So the Convention reconsidered their vote.

Mr. John Newcomer, then moved to amend said 23rd section, by filling the first blank therein with "twenty thousand;"

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Buchanan, Dickinson, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Bowie, Sprigg, Dirickson, McMaster, Hearn, Stephenson, Nelson, Carter, Brent of Balt. city, Sherwood, of Balt. city, Ware, John Newcomer, Kilgour and Waters—29.

NEGATIVE—Messrs. Donaldson, Dorsey, Wells, Randall, Sellman, Howard, Welch, Sherwood, of Talbot, Phelps, McCullough, George, Biser, Annan, McHenry, Thawley, Stewart, of Caroline, Gwinn, Schley, Fiery, Davis, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower and Cockey—28.

So the blank was filled with "twenty thousand."

Mr. Smith, gave notice of his intention when the House was full, that he should move to reconsider the vote of the Convention just taken on said amendment.

Mr. McMaster, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the article creating "Howard county."

Mr. Phelps, gave notice of his intention at some future day, to move to reconsider the vote of the Convention, dividing Allegany county, and creating a new county;

The question then recurred upon the adoption of the amendment as offered by Mr. Phelps, to come in at the end of the 23rd section, and to to be found on page 562 of Journal ;

Mr. Schley, moved to amend said amendment by striking out the proviso thereof ;

Determined in the negative.

Mr. McHenry, then offered as a substitute for said section and amendment, the following :

"New counties may be formed out of any one or more existing counties, whenever a majority of the voters thereof declare through the ballot-box, in a manner prescribed by the Legislature, their wish for such division and formation. But no new county shall be established which, under the provisions of this constitution, shall be entitled to less than three members of the House of Delegates, or the establishment of which would leave the county or counties divided entitled to a less number. And in all cases, the separation shall be made by commissioners choosed by the electors of the county or counties to be divided;"

Which was read.

Mr. Dorsey, moved to amend said substitute by adding at the end thereof, the following proviso :

“Provided, That no new county shall be established unless a bill for that purpose shall be passed at two successive sessions of the General Assembly ;”

The Chair ruled this amendment to be out of order.

The question then recurred on the amendment as offered by Mr. Phelps, to the 23rd section ;

Mr. Phelps, (with the consent of the Convention,) further amended his amendment by inserting after the word “Assembly,” in 4th line, these words “in manner to be prescribed by the Legislature ;”

The said amendment was then adopted as amended.

The question then recurred on the adoption of the substitute as offered by Mr. McHenry, for said 23rd section as amended ;

On the question being put,

“Will the Convention accept the substitute ?” it was

Determined in the negative.

The question then recurred and was put on the adoption of said 23rd section as amended ;

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. John Dennis, James U. Dennis, Hicks, Phelps, McMaster, Biser, Stephenson, Schley and John Newcomer—9.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone Hopewell, Ricaud, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Howard, Buchanan, Welch, Sherwood, of Talbot, Dashiell, Williams, Bowie, Sprigg, George, Dirickson, Hearn, Annan, McHenry, Nelson, Thawley, Gwinn, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Fiery, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Shower, Cockey and Brown—45.

So the 23rd section as amended was rejected.

The Convention then proceeded to the consideration of the amendment offered by Mr. Blakistone, on the 7th of March, as the 43rd section to said report, and to be found on page 411 of the Journal.

Mr. Blakistone, (with the consent of the Convention) withdrew said amendment, and substituted in lieu of it the following :

Section 43. That it shall be the duty of the Legislature to carry out in good faith the several acts of Assembly, and the several resolutions passed by the General Assembly in relation to the disposition of the school fund; and also in relation to the disposition

of the reveuues arising from stocks of the State in Works of Internal Improvement;”

Which was read.

Mr. Gwinn, moved to amend said amendment by striking out these words “and the several resolutions passed by the General Assembly, in relation to the disposition of the school fund, and also;”

Determined in the negative.

Mr. Brent, of Balt. city, then moved to amend said amendment by adding at the end thereof the following proviso :

“Provided that the said funds shall be distributed so as to return the proportions respectively paid in by each county and Baltimore city, ann the residue to be distributed equitably according to the white population of this State, for purposes of Education ;”

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Welch, Annan, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, John Newcomer, Michael Newcomer, Weber, Slicer, Fitzpatrick and Brown—11.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Howard, Buchanan, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Sprigg, George, Dirickson, McMaster, Hearn, Biser, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Schley, Fiery, Davis, Kilgour, Waters, Anderson, Hollyday, Smith, Shower and Cockey—51.

So the amendment to the amendment was rejected.

The question then recurred upon the adoption of the amendment as offered by Mr. Blakistone, as 43rd section to report.

At a quarter past 3 o’clock, P. M.;

Mr. Buchanan, moved the Convention adjourn ;

Determined in the negative.

The question again recurred upon the adoption of the amendment as offered by Mr. Blakistone, as the 43rd section to the report ;

Mr. McHenry, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t., Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Buchanan, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Sprigg, George, Dirickson, McMaster, Hearn, Biser, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Schley, Fiery, Davis, Kilgour, Waters, Anderson, Hollyday, and Smith—46.

NEGATIVE—Messrs. Howard, Welch, Annan, McHenry, Magraw, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, John Newcomer, Michael Newcomer, Weber, Slicer, Fitzpatrick, Shower, Cockey and Brown—16.

So the amendment was adopted.

On motion of Mr. Davis,
The Convention adjourned until to-morrow morning 10 o'clock.

THURSDAY, April 10th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Ridgely, presented two petitions, one signed by 32, and the other 14 citizens of Baltimore county, praying for constitutional protection in the matter of licenses for the sale of intoxicating spirits.

Which were read, and

Referred to the select committee appointed on that subject.

The Convention then resumed the consideration of the unfinished order of the day, being the report submitted by Mr. Johnson, as chairman of the committee on the Legislative Department.

The question pending being on an amendment offered by Mr. Lee, as the 44th section to said report.

Mr. Ricaud moved that said amendment be passed over informally.

Determined in the affirmative.

Mr. McMaster, (in accordance with the notice given by him on yesterday) moved to reconsider the vote of the Convention on the article creating "Howard county."

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Chambers of Kent, Mitchell, Sollers, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Eccleston, Phelps, Sprigg, Dirickson, McMaster, Carter and Davis—16.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Donaldson, Dorsey, Wells, Randall, Sellman, Howard, Buchanan, Welch,

Ridgely, Sherwood, of Talbot, Colston, Goldsborough, McCullough, George, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Kilgour, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—46.

So the Convention refused to reconsider their vote.

The Convention then resumed the consideration of the order of the day being the report of the committee on the Legislative Department.

Mr. Donaldson, renewed the notice of his intention to move a reconsideration of the 4th section of said report.

Mr. Brown, renewed the notice of his intention to move a reconsideration of the 17th section of said report.

On motion of Mr. McHenry,

The Convention then took up for consideration the report of the committee on the Executive Department.

The question pending, being on an amendment offered by Mr. McHenry, on the 3rd inst, as an additional section to said report, and to be found on page 555 of Journal.

After debate thereon,

On motion of Mr. Shriver,

The convention was called.

On motion of Mr. John Newcomer,

Further proceedings under the call was dispensed with.

The question then recurred on the adoption of the amendment offered by Mr. McHenry, as an additional section to the report.

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Welch, Sherwood, of Tal., Colston, George, Shriver, Biser, Annan, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Michael Newcomer, Anderson, Weber, Hollyday, Shower and Brown—24.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Ridgely, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, Dirickson, McMaster, Hearn, Stephenson, Thawley, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters, Slicer, Fitzpatrick, Smith and Cockey—41.

So the amendment was rejected.

Mr. Davis, (in accordance with notice heretofore given) moved

to reconsider the vote of the convention on the 41st article of said report, submitted by Mr. Ridgely, on the 7th of March, and adopted by the Convention, and to be found on page 412 of Journal.

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Wells, Sellman, Sollers, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, George, Dirickson, McMaster, Hearn, Thomas, Thawley, Brent, of Balt. city, Schley, Fiery, John Newcomer, Michael Newcomer, Davis, Waters, Anderson, Weber and Smith—37.

NEGATIVE—Messrs. Chapman, Pres't, Howard, Buchanan, Welch, Ridgely, Colston, McCullough, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Sherwood of Balt. city, Ware, Neill, Kilgour, Slicer, Fitzpatrick, Shower, Cockey and Brown—24.

So the convention reconsidered their vote on said article.

Mr. Bowie, then moved that the further consideration of said report and amendment be postponed until the report on the Judiciary committee is acted upon.

Determined in the affirmative.

On motion of Mr. Sollers,

The Convention took up for consideration the report submitted by him on the 3rd inst., as chairman of the committee on the further Amendments and Revisions of the Constitution,

Mr. Fitzpatrick, offered as a substitute for said report, the report made by him on the 4th inst., from the majority of said committee, and to be found on page 559 of Journal.

The said reports having been read.

Mr. Brent, of Baltimore city, offered as a substitute for said reports the following :

“It shall be the duty of the Governor in the month of _____ in the year eighteen hundred and sixty, and in the same month every ten years thereafter, to issue his proclamation in the most public manner, giving at least thirty days notice that at the next general election of Delegates, the voters of the State may vote by ballot for or against a Convention, and the Judges of election shall count all ballots for or against a Convention, and separately return a full list of all said ballots for or against a Convention, to the Secretary of State, and the same shall be counted by the Governor and Secretary of State, and if a majority of said votes shall be cast against a Convention, the Governor shall make proclamation of such result, but if there shall be found a majority in favor of a Convention, it shall immediately be the duty of the Governor to give at least sixty days notice in the most

public manner, of a special election to be held at such time and places within six months thereafter, as he may prescribe, and at such special election, each county and the city of Baltimore shall elect as many Delegates as the said county and city respectively have on joint ballot in the General Assembly, and the judges of election shall certify full returns of the ballots cast at such special election, to the Secretary of State, and the same shall be counted by the Governor and Secretary of State, and the persons having the highest number of votes in each county and the city of Baltimore, according to the representation herein allowed, shall be declared elected, and the Governor shall immediately make proclamation thereof, and at the same time designate a day for the meeting of said Convention within two months thereafter; and the said Convention shall meet in the Hall of the House of Delegates, or such other place as it may select, and when assembled, the said Convention shall elect such officers as it may deem necessary, and shall be the Judges of elections and qualifications of its members, and shall prepare a new constitution to be submitted for ratification or rejection, to the qualified voters of the State, and if ratified, to be carried out, in such manner and at such times as the said convention may provide; and the Treasurer of the State shall pay to the order of the President of said Convention, a compensation of four dollars per diem to each member during the time said convention shall be in session, and in like manner such expenses as said Convention shall think proper to incur by its orders or resolutions, provided the said Convention shall not sit longer than six months.

Which was read.

On the question being put,

“Will the Convention accept said substitute?”

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Welch, Shriver, Biser, McHenry, Magraw, Nelson, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Ware, Neill, Michael Newcomer, Weber, Fitzpatrick, Shower, Cockey and Brown—19.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Chambers of Kent, Dorsey, Wells, Randall, Sollers, Ridgely, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Tuck, Sprigg, Spencer, George, Dirickson, McMaster, Hearn, Thomas, Annan, Stephenson, Carter, Thawley, Stewart of Caroline, Schley, Fiery, John Newcomer, Davis, Kilgour, Waters, Anderson, Hollyday, Slicer and Smith—47.

So the Convention refused to accept the substitute.

The question then recurred upon the adoption of the report offered by Mr. Fitzpatrick, as a substitute for the one offered by Mr. Sellers, the chairman of the committee.

Mr. Brown, moved to amend said substitute by adding at the end thereof the following:

“The members of which Convention shall be elected by the city of Baltimore and the counties of the State, in proportion to their respective representation in the House of Delegates and Senate of Maryland, at the time said Convention shall be called.”

Which was read, and

After debate thereon,

At 2 o'clock, P. M.

The Convention adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The Convention met,

And on calling the roll, it being ascertained that a quorum was not present;

Mr. Sprigg, at 10 minutes past four o'clock moved the Convention adjourn,

And that the question be taken by yeas and nays;

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Donaldson, Randall, Sprigg and Neill—5.

NEGATIVE—Messrs. Blakistone, Ricaud, Dorsey, Sellman, Howard, Welch, Ridgely, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Eccleston, McCullough, George, McMaster, Hearn, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Michael Newcomer, Davis, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Shower and Brown—43.

So the Convention refused to adjourn.

Mr. Brent, of Baltimore city, moved the Sergeant-at-Arms be sent with the Mace after the absent members in the city to enforce their attendance.

On motion of Mr. Blakistone,

The Convention was called.

On motion of Mr. John Newcomer,

Further proceedings under the call was dispensed with.

Mr. Ricaud, submitted the following resolution;

Resolved, that this Convention will hereafter sit from ten o'clock, A. M. until four o'clock P. M.,

Which was read.

Mr. Dorsey, moved to amend said resolution by striking out "ten," and inserting "nine," and by striking out "four," and inserting "three,"

Mr. Stephenson, moved to lay the resolution and amendment on the table,

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Dorsey,

Mr. Ricaud, accepted said amendment;

The question then recurred upon the adoption of the resolution as amended,

Mr. Brown, moved further to amend said resolution, by striking out these words, "until four o'clock P. M."

Determined in the affirmative.

Mr. Blakistone, moved to amend said resolution by adding at the end thereof "until two o'clock, P. M., then take a recess until 4 o'clock, P. M., when it will again meet for the transaction of business;"

Mr. Shriver, moved to amend said amendment by adding the following :

"And sit until ten o'clock at night;"

Determined in the negative.

The question then recurred on the adoption of the amendment as offered by Mr. Blakistone,

Mr. Magraw, moved to lay said resolution and amendment on the table;

Mr. Magraw, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Sellman, Howard, Sherwood, of Talbot, Colston, John Dennis, Hodson, Eccleston, McCullough, Tuck, George, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Smith and Shower—26.

NEGATIVE—Messrs. Chapman, Pres't, Hopewell, Ricaud, Mitchell, Donaldson, Dorsey, Randall, Ridgely, Welch, James U. Dennis, Dashiell, Williams, Hicks, Phelps, Bowie, Sprigg, Dirickson, McMaster, Hearn, Shriver, Biser, Thawley, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis, Kilgour, Waters, Anderson, Slicer, Fitzpatrick, Cockey and Brown—33.

So the Convention refused to lay the resolution and amendment on the table.

The question then recurred on the adoption of the amendment as offered by Mr. Blakistone;

Mr. Michael Newcomer, moved the question be taken by yeas and nays,

Which motion was not sustained.

Mr. Blakistone, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Sellman, Howard, Sherwood, of Talbot, Colston, John Dennis, Eccleston, McCullough, Tuck, George, McMaster, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Schley, Fiery, John Newcomer, Michael Newcomer, Weber, Slicer, Smith and Cockey—27.

NEGATIVE—Messrs. Chapman, Pres't, Hopewell, Ricaud, Mitchell, Donaldson, Dorsey, Randall, Welch, Ridgely, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Phelps, Bowie, Sprigg, Dirickson, Hearn, Shriver, Biser, Brent, of Balt. city, Sherwood of Balt. city, Ware, Neill, Davis, Kilgour, Waters, Anderson, Fitzpatrick, Shower and Brown—31

So the amendment was rejected.

The question then recurred and was put on the adoption of the order, and

Determined in the affirmative.

Mr. Bowie, moved the Convention adjourn;

Mr. Magraw, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Hopewell, Ricaud, Mitchell, Donaldson, Dorsey, Randall, Ridgely, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Bowie, Tuck, Sprigg, George, Dirickson, McMaster, Hearn, Biser, Thawley, Neill and Kilgour—24.

NEGATIVE—Messrs. Blakistone, Sellman, Howard, Welch, Sherwood of Talbot, Colston, Williams, Eccleston, Phelps, McCullough, Shriver, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Michael Newcomer, Davis, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—34.

Determined in the negative.

After further proceedings,

On motion,

The Convention adjourned until to-morrow morning 9 o'clock.

FRIDAY, April 11th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Howard, submitted the following order :

Ordered, That the President of this Convention have power to dismiss either or both of the Doorkeepers, and if he does so, he shall report the fact to the Convention.

Which was read, and

On motion of Mr. Howard,

Laid on the table.

On motion of Mr. Welch, it was

Ordered, That it be entered on the Journal, that the cause of the absence of Mr. Chandler, is ill health.

The Convention then resumed the consideration of the unfinished order of the day, being the report submitted by Mr. Sollers, on the 3rd inst., as chairman of the committee on the further Amendments and Revisions of the Constitution.

The question pending on yesterday, being on the amendment offered by Mr. Brown, to the substitute offered by Mr. Fitzpatrick, for the report submitted by Mr. Sollers, as chairman of said committee.

Mr. Fitzpatrick, (with the consent of the Convention,) amended the substitute offered by him, by striking out in the 6th line the word "people," and inserting in lieu thereof "votes cast ;"

The question was then put on the amendment to said substitute as offered by Mr. Brown, and

Determined in the affirmative.

Mr. Hicks, moved further to amend said substitute by striking out the word "every," in the 2nd line, and inserting "the," and in same line by striking out the word "hereafter," and after the word "taken" in same line, by inserting "in the year 1870 and in every twentieth year thereafter ;"

Mr. Eccleston, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Ricaud, Mitchell, Donaldson, Dorsey, Randall, Brent, of Charles, Merrick, Jenifer, Dickinson, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Dirickson, McMaster, Hearn, Thawley, Davis, Kilgour, Brewer and Waters—25.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Chambers, of Kent, Wells, Sellman, Sollers, Howard, Buchanan, Welch, Ridgely, Bowie, Tuck, Sprigg, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson,

Carter, Stewart, of Car., Gwinn, Brent, of Balt. city, Shewood, of Balt. city, Pressman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—46.

So the amendment was rejected.

Mr. Randall, then moved to amend said substitute, by inserting after the words "votes cast," in the 6th line, the following :

"Equal in number to at least a majority of the votes of this State, as ascertained by the last preceding election for electors of President and Vice President of the United States ;"

Mr. Randall, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, Sollers, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Bowie, Sprigg, Dirickson, McMaster, Davis, Kilgour and Waters—27.

NEGATIVE—Messrs. Chapman, President, Ricaud, Mitchell, Howard, Buchanan, Welch, Ridgely, Dickinson, McCullough, Tuck, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Anderson, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—42.

So the amendment was rejected.

The question then recurred,

"Will the Convention accept the substitute as offered by Mr. Fitzpatrick, and amended on the motion, of Mr. Brown, for the report submitted by Mr. Sollers, as chairman of the committee?"

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Howard, Buchanan, Welch, Ridgely, Dickinson, Eccleston, McCullough, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Car., Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—41.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Dorsey, Wells, Sellman, Sollers, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Bowie, Tuck, Sprigg, Dirickson, McMaster, Davis, Kilgour, and Waters—28.

So the Convention accepted the substitute.

The question then recurred on the adoption of the report.

Mr. Blakistone, offered as a substitute for said report, the following :

That it shall be the right and privilege of the people of this State at any general election of Delegates to vote for or against a convention, and if it shall appear that a majority of the whole number of legal voters are in favor of the calling of a Convention, the said majority to be ascertained by the largest popular vote taken in the preceding election of President of the United States, the election of Governor, or the general election of Delegates to the General Assembly, respectively, at which the largest popular vote may have been cast. Each county and the city of Baltimore to have a representation equal to the representation to which the same may be entitled in the Senate and House of Delegates at that time. That it shall be the duty of the judges of election in the several counties and the city of Baltimore, to make returns thereof to the clerks of the several counties and city of Baltimore, whose duty it shall be to make returns thereof to the Governor, who, upon casting up said votes, if he shall find that a majority of the whole number of legal voters, as above specified, are in favor of a convention, shall issue his proclamation proclaiming such fact. And issue a proclamation for an election of delegates to such convention in conformity to the previous provisions of this article. That such election shall take place on the same day on which elections are held for the election of delegates, but on the intermediate year, so that the session of the convention and meeting of the legislature may not happen at the same time. That the period of the meeting of such convention shall be the first Monday of January next succeeding the election of delegates to said convention. That the convention shall meet in the Hall of the House of Delegates. That the members shall be entitled to a per diem of four dollars, and the itinerancy of members of the Legislature. That they shall elect a President and such other officers as they may see fit, and fix their compensation, and adopt such rules and regulations for their government as may to them seem proper. And that it shall be the duty of the Legislature to make such provision as may be necessary to defray the expenses of such convention.

Which was read.

Mr. Brown, rose to the following point of order :

That the Convention having accepted the substitute as amended in place of the report submitted by Mr. Sollers, as chairman of the committee, it was not competent to offer a substitute for the substitute just adopted ;

The chair ruled the substitute to be out of order.

From which decision Mr. Blakistone appealed, and afterwards withdrew said appeal.

The question then recurred upon the adoption of the report ;

Mr Shriver, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Randall, Howard, Buchanan, Welch, Ridgely, Dickinson, Eccleston, McCullough, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—42.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Chambers of Kent, Mitchell, Dorsey, Wells, Sellman, Sollers, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Hicks, Goldsborough, Bowie, Tuck, Sprigg, Dirickson, McMaster, Hearn, Davis and Kilgour—27.

So the report was adopted.

Mr. Blakistone then moved to amend said report by adding at the end thereof as an additional section the amendment previously offered by him as a substitute for the report, and which was ruled by the Chair to be out of order ;

On the question being put,

“Will the Convention adopt said amendment?”

Mr. Blakistone, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Chambers, of Kent, Mitchell, Sollers, Brent, of Charles, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Bowie, Sprigg, Dirickson, McMaster, Hearn, Davis and Kilgour—19.

NEGATIVE—Messrs. Ricaud, Donaldson, Dorsey, Wells, Randall, Jenifer, Howard, Buchanan, Welch, Ridgely, Dickinson, Goldsborough, Eccleston, McCullough, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—46.

So the amendment was rejected.

Mr. Donaldson, then moved to amend said report by adding at the end thereof as an additional section the following:

“Any amendment to the Constitution and Declaration of Rights may be proposed in either the Senate or House of Delegates, and if the same shall be agreed to by a majority of the members elected to each of the two Houses of the Legislature, the proposed amendment shall be entered on their Journals, with the yeas and nays taken thereon, and shall be published at least three months

before the next general election for members of the House of Delegates; at which general election the people shall vote for or against said amendment, in such manner as may be prescribed by law, and if the majority of legal voters of the State shall approve of the said amendment; then it shall be the duty of the Legislature at its next session to enact said amendment as a part of this constitution."

Which was read.

Mr. Sollers, offered as a substitute for said amendment, the following :

"And also, that this form of government and the declaration of rights, and any part thereof may be altered, changed or abolished by the passage of a bill by the General Assembly, so to alter, change or abolish the same; provided, such bills shall be published at least three months before a new election, and shall be confirmed by the General Assembly, after a new election of delegates, in the first session after such new election.

2nd. That a convention to alter, change and abolish this form of government and the declaration of rights, may be called by the passage of a bill for that purpose; provided such bill be published at least three months before a new election, and shall be confirmed by the General Assembly after a new election of delegates, in the first session after such new election."

Which was read.

Mr. Stephenson, moved to amend the amendment offered by Mr. Donaldson, by adding at the end thereof, the following proviso:

"Provided, That if more than one amendment be submitted, they shall be submitted in such manner and form, that the people may vote for or against each amendment separately and distinctly."

Which amendment Mr. Donaldson accepted.

Mr. Mitchell moved the previous question.

At 10 minutes past 3 o'clock, P. M.,

Mr. Chambers, of Kent, moved that the Convention adjourn; Determined in the negative.

The question then recurred on the motion of Mr. Mitchell, for the previous question, that is,

"Shall the main question be now put?"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Mitchell, Howard, Buchanan, Welch, Ridgely, Dickinson, Hicks, Eccleston, McCullough, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinu, Sherwood, of Balt. city, Ware, Schley, Piery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson,

Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—41.

NEGATIVE—Messrs. Chapman, Prest., Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Sollers, Brent of Charles, John Dennis, James U. Dennis, Dashiell, Williams, Goldsborough, Bowie, Sprigg, Dirickson, McMaster, Hearn, Davis, Kilgour and Waters—25.

So the previous question was sustained.

The question was then put,

“Will the Convention accept the substitute as offered by Mr. Sollers, for the amendment offered by Mr. Donaldson, as an additional section to the report?”

Mr. Kilgour, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Wells, Sollers, Brent of Charles, Merrick, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Bowie, Sprigg, Dirickson, McMaster, Hearn, Davis, Kilgour and Waters—25.

NEGATIVE—Messrs. Donaldson, Dorsey, Randall, Howard, Buchanan, Welch, Ridgely, Dickinson, Eccleston, McCullough, Spencer, George, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Shower, Cockey and Brown—42.

So the Convention refused to accept the substitute.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Donaldson, and amended on the motion of Mr. Stephenson, and

Determined in the negative.

At 20 minutes past 3 o'clock P. M.,

Mr. Spencer, moved the Convention adjourn, which motion he waived to enable Mr. Randall, to give notice of his intention to move the following amendment to the report of the committee just adopted:

“No member of any such Convention shall hold any office created, made vacant or regulated by such new constitution within five years after the new constitution shall go into operation.”

The Convention then adjourned until to-morrow morning 9 o'clock.

SATURDAY, April 12th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Buchanan, presented a petition of James P. Kennedy, of the city of Baltimore, in relation to the creation of Banks, &c.;

Which was read, and

On motion of Mr. Buchanan,

Referred to the committee on Corporations.

Mr. Magraw, presented a petition of sundry citizens of the State, in relation to the granting of Licenses to sell intoxicating drinks ;

Which was read, and

Referred to the select committee already appointed on that subject.

Mr. Randall, gave notice of his intention when the report of the committee on the Bill of Rights, came up again for consideration he should move to reconsider the 1st article thereof.

On motion of Mr. Thomas,

The Convention resumed the consideration of the unfinished order of the day, being the report on further Amendments and Revisions of the Constitution.

The question pending on yesterday, being on the amendment offered by Mr. Randall, to come in at the end of said report ;

On the question being put,

“Will the Convention accept said amendment?”

Mr. Randall, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Sprigg, McMaster, Hearn, Fiery, Neill, John Newcomer, Michael Newcomer, Davis, Brewer, Waters, Smith and Cockey—24.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Sollers, Brent of Charles, Merrick, Howard, Buchanan, Welch, Dickinson, McCullough, Miller, Tuck, Thomas, Shriver, Biser, Annan, McHenry, Magraw, Nelson, Thawley, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Harbine, Anderson, Weber, Hollyday, Slicer, Shower and Brown—36.

So the amendment was rejected.

Mr. Hicks, moved to amend said report by adding at the end thereof as an additional section, the following:

“No member of this Convention, shall take, hold or receive

any office, that has been or shall be created, made vacant, or otherwise regulated by the constitution, now in preparation, within the space of five years after such constitution shall go into operation;”

Which was read.

Mr. Sollers, moved to amend said amendment by striking out these words: “within the space of five years,” and inserting in lieu thereof the word “forever;”

Mr. Sollers withdrew said amendment.

The question then recurred upon the adoption of the amendment as offered by Mr. Hicks;

Mr. Hicks, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Sellman, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Tuck, Sprigg, McMaster, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Smith and Cockey—25.

NEGATIVE—Messrs. Chapman, Pres’t, Blakistone, Hopewell, Ricaud, Sollers, Brent of Charles, Merrick, Jenifer, Howard, Buchanan, Welch, Dickinson, McCullough, Miller, Spencer, Hearn, Thomas, Shriver, Biser, Annan, McHenry, Magraw, Nelson, Thawley, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Anderson, Weber, Hollyday, Slicer, Shower and Brown—35.

So the amendment was rejected.

The said report having been read through and adopted;

Mr. Thomas moved the Convention take up for consideration the report submitted by Mr. Jenifer, chairman of committee No. 14, creating a Board of Public Works;

Mr. Brown, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Ricaud, Chambers, of Kent, Sellman, Howard, Welch, Dickinson, McCullough, Miller, Tuck, Spencer, Thomas, Shriver, Biser, Annan, McHenry, Magraw, Nelson, Thawley, Gwinn, Brent of Balt. city, Sherwood, of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Cockey and Brown—33.

NEGATIVE—Messrs. Chapman, Pres’t, Blakistone, Hopewell, Donaldson, Dorsey, Wells, Randall, Sollers, Brent of Charles, Merrick, Jenifer, Buchanan, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Sprigg, McMaster, Hearn, Schley, Fiery, Davis, Slicer, Smith and Shower—28.

So the Convention determined to consider said report.

The said report of the committee No. 14, and the substitute offered therefor by Mr. Thomas, on the 3rd inst.;

Having been read through, and after debate thereon,

Mr. Magraw moved the Convention adjourn ;

Which motion he waived to enable Mr. Thomas, to move the following amendment to come in at the end of his substitute :

“In the event of a tie vote for any two of the candidates for the office of commissioner in the same district, it shall be the duty of the Governor to commission one or the other of the candidates having the equal number of votes. And if the Governor doubts the legality or result of any one election held for the choice of said commissioners it shall be his duty to send the returns of such election to the House of Delegates, who shall be the judge of the election and qualification of the candidate at such election.”

The Convention then adjourned until Monday morning 9 o'clock.

MONDAY, April 14th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of Saturday were read.

Mr. Chambers, of Kent, submitted the following order :

Ordered, That the hour of meeting on each Monday morning shall be half past eleven o'clock, A. M.;

Which was read.

On motion of Mr. Buchanan,

The question was taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Prest, Morgan, Blakistone, Ricaud, Chambers of Kent, Wells, Randall, Brent of Charles, Buchanan, Welch, Dickinson, John Dennis, James U. Dennis, Crisfield, Williams, Goldsborough, Eccleston, Miller, Bowie, Tuck, McCubbin, Bowling, George, Biser, Ware, Neill, Davis, Waters, Anderson, Weber, Hollyday, Smith and Brown—33.

NEGATIVE.—Messrs. Dashiell, Chambers, of Cecil, McCullough, Dirickson, McMaster, Hearn, Shriver, Annan, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Sherwood of Balt. city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Slicer, Parke, Cockey and Brown—25.

So the order was adopted.

The Convention then resumed the consideration of the order of

the day, being the report submitted by Mr. Jenifer, chairman of committee No. 14, creating a Board of Public Works, and the substitute offered therefor by Mr. Thomas ;

The said substitute having been read through,

On motion of Mr. Brown,

The 2nd article in said substitute was amended by filling the blanks therein with "five ;"

On motion of Mr. Brown,

The 3d article in said substitute was amended by filling the first blank therein with "four," and the 2nd blank with "two ;"

Mr. Brown then moved to strike out the report of committee No. 14, and

On the question being put on striking out, it was

Determined in the affirmative.

The question then recurred upon the adoption of the substitute as offered by Mr. Thomas ;

Mr. Howard moved to amend said substitute by inserting after the word "Stockholders," in the 5th line of 1st paragraph, the following :

"And shall appoint the Directors in every Rail Road or Canal company in which the State has the power to appoint Directors, it shall also be the duty of this Board to review, from time to time, the rate of tolls adopted by any company, and use all legal powers which it may possess, to obtain the establishment of a rate which may prevent an injurious competition with each other to the detriment of the interests of the Treasury of the State, and report their acts annually to the Legislature ;"

Which was read.

Mr. Schley, moved to amend said amendment by inserting after the word "Canal," the words "or Banking ;"

Pending the question on this amendment,

At five minutes past 3 o'clock, P. M.,

Mr. Davis, moved the Convention adjourn ;

Which motion he waived to enable Mr. Thawley, to renew the notice that on to-morrow he should move to reconsider the vote of the Convention on the resolution adopted in favor of Henry G. Wheeler, the Reporter to the Convention.

The Convention then adjourned until to-morrow morning 9 o'clock.

TUESDAY, April 15th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Thawley, in accordance with the notice given by him on yesterday, moved to reconsider the vote of the Convention on the resolution adopted in favor of Henry G. Wheeler, the Reporter to the Convention.

On motion of Mr. Thawley,

The Convention was called and the Doorkeeper sent for the absent members ;

Mr. John Newcomer, moved to suspend further proceedings under the call ;

Determined in the negative.

Mr. Smith renewed the motion to suspend further proceedings under the call ;

Determined in the affirmative.

The question was then put,

“Will the Convention reconsider their vote on the resolution adopted in favor of Henry G. Wheeler, the Reporter to the Convention ?”

Mr. Thawley, moved the question be taken by yeas and nays ;
Which were ordered.

After debate thereon,

Mr. Howard moved the previous question and being seconded ;

The yeas and nays were then taken and appeared as follows:

AFFIRMATIVE.—Messrs. Kent, Ridgely, Dickinson, Chambers of Cecil, McCullough, Miller, Hearn, Fooks, Shriver, Biser, Annan, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Stewart of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiey, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Parke, Shower, Cockey and Brown—31.

NEGATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Bond, Brent of Charles, Howard, Buchanan, John Dennis, James U. Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, McMaster, Gaiher, Gwinn, Brent, of Balt. city, Davis, Waters, Anderson and Smith—37.

So the Convention refused to reconsider their vote on said resolution.

Mr. McHenry, when his name was called on the yeas and nays just taken, rose in his seat and stated that he should have voted in the affirmative, but had paired off with Mr. Jenifer, who is con.

fined by indisposition, but would have been present had he not consented to have paired off with him.

The Convention then resumed the consideration of the order of the day, being the substitute offered by Mr. Thomas, for the report of the committee, creating a Board of Public Works, and which substitute has been accepted by the Convention.

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Schley, to the amendment offered by Mr. Howard, to insert after the word "canal," the words "on banking."

Mr. Schley, with the consent of the Convention, withdrew said amendment.

The question then recurred upon the amendment offered by Mr. Howard.

After debate thereon,

At a quarter past 3 o'clock, P. M.,

Mr. Dorsey, moved the Convention adjourn,

Determined in the negative.

After further debate,

At 25 minutes past 3 o'clock, P. M.,

Mr. Crisfield moved the Convention adjourn ;

Mr. John Newcomer, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Randall, Kent, Bond, Howard, Welch, John Dennis, James U. Dennis, Crisfield, Dashiell, Hicks, Eccleston, Chambers of Cecil, Miller, Sprigg, McCubbin, Bowling, George, Dirickson, McMaster, Hearn, Jacobs, Shriver, Biser, McHenry, Magraw, Nelson, Thawley, Sherwood, of Balt. city, Ware, Neill, Davis, Brewer, Waters, Anderson and Hollyday—43.

NEGATIVE—Messrs Chapman, Pres't, Blakistone, Brent of Charles, Buchanan, Ridgely, Lloyd, Dickinson, Goldsborough, McCullough, Bowie, Tuck, Spencer, Thomas, Gaither, Annan, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Slicer, Smith, Parke, Shower, Cockey and Brown—31.

So the Convention agreed to adjourn.

Mr. McHenry, with the unanimous consent of the Convention, gave notice that at the proper time, he should offer the following as a substitute for the report and amendment, and desired it to be entered upon the record :

"Sec 1. The Governor, Comptroller and Treasurer, shall constitute the commissioners of the Public Works and property for this State. The Governor shall be ex officio President of, and the Secretary of State clerk to this Board.

Sec. 2. dollars a year, shall be allowed to the commissioners to defray their travelling expenses, while in the performance of their duties as members of the board, but no other compensation beyond that received by them in virtue of their respective offices of Governor, Comptroller and Treasurer.

Sec. 3. The commissioners of Public Works and Property shall exercise diligent care and supervision over the property of the State, of whatsoever kind, appoint Directors in the incorporated companies, for which the State is entitled so to make such appointment, represent the State, at the meetings of stockholders of the corporations in which the State is interested, and perform such other duties as may be prescribed by law."

The Convention adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, April 16th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Ridgely, presented a petition of sundry citizens of Baltimore county, praying that provision may be made in the new constitution restricting the privilege to sell intoxicating liquors in small quantities, except the same shall be approved by a majority of the voters in the county or election district where the same is to be sold.

Which was read, and

Referred to the select committee already appointed on that subject.

The Convention resumed the consideration of the order of the day, being the report of the committee creating a Board of Public Works.

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Howard, on the 14th inst., to insert after the word "Stockholders," in the 5th line of 1st paragraph, the following:

"And shall appoint the Directors in every Rail Road or Canal company in which the State has the power to appoint Directors. It shall also be the duty of this Board to review, from time to time,

the rate of tolls adopted by any company, and use all legal powers which it may possess, to obtain the establishment of a rate which may prevent an injurious competition with each other to the detriment of the interest of the Treasury of the State, and report their acts annually to the Legislature.”

Mr. Dorsey, moved to amend said amendment, by inserting after the words “Directors,” in the 2nd line, these words, “where such power can be constitutionally exercised,” and after the word “annually,” in the last line by inserting “or biennially as the case may be,” and by striking out the words “of the Treasury.”

Which amendments Mr. Howard accepted.

Mr. Dorsey, moved to amend said report by adding at the end thereof the following:

“And it shall be the duty of the said commissioners to keep a Journal of their proceedings, and at each regular session of the Legislature, to make to it a report, and if they deem it necessary, to recommend such Legislation as they shall think requisite to promote or protect the interest of the State in the Public Works hereinafter mentioned.”

Which amendment Mr. Thomas accepted.

Mr. Davis, moved further to amend the amendment offered by Mr. Howard, by adding at the end thereof the following:

“And in the adjustment of tolls, due regard shall be had so to adjust them as to promote the agriculture of the State.”

Which was read.

Mr. Spencer, moved the previous question, and being seconded ;

The question was put on the adoption of the amendment as offered by Mr. Davis ;

Mr. Davis, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Hopewell, Ricard, Chambers, of Kent, Mitchell, Dorsey, Kent, Bond, Brent of Charles, Buchanan, Bell, Welch, Ridgely, Lloyd, John Dennis, Hicks, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Dickinson, McMaster, Jacobs, Shriver, Biser, Stewart, of Caroline, Schley, Piery, Davis, Brewer, Waters, Anderson, Weber, Smith and Cockey—42.

NEGATIVE—Messrs. Lee, Donaldson, Howard, Crisfield, Dashiell, Williams, McCullough, Grason, George, Fooks, Thomas, Gauthier, Annan, McHenry, Nelson, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, John Newcomer, Harbine, Hollyday, Slicer, Parke and Brown—28.

So the amendment to the amendment was adopted.

The question then recurred upon the adoption of the amendment as amended;

The yeas and nays being ordered and taken, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Dorsey, Kent, Howard, Bell, Welch, Ridgely, Lloyd, Dickinson, Miller, Spencer, Grason, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Cockey and Brown—38.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Bond, Brent, of Charles, Buchanan, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, McCullough, Bowie, Tuck, Sprigg, McCubbin, Bowling, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Schley, Fiery, Davis, Waters and Smith—36.

So the amendment to the amendment was adopted.

Mr. Jacobs, moved to amend said 1st article as amended, by striking out in 7th line, the words "to be fixed by law," and inserting in lieu thereof, these words, "of one hundred dollars per annum," and in the same line, after "which," by inserting "said;"

The Chair stated that the previous question having been ordered, the amendment was not in order.

The question then recurred upon the adoption of the 1st article as amended;

Mr. Bowie, moved for a division of the question upon the 1st branch of said article, being in these words:

"At the first general election of delegates of the General Assembly after the adoption of this constitution, four commissioners shall be elected as hereafter provided;"

The President stated that a division of the question was inadmissible.

The yeas were then taken on the adoption of the 1st article as amended, and appeared as follows:

AFFIRMATIVE—Messrs. Dorsey, Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, McCullough, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Cockey and Brown—40.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson,

Bond, Brent of Charles, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Schley, Davis, Waters and Smith—34.

So the 1st article as amended was adopted.

Mr. Bowie, asked if an amendment to the 2nd article of the amendment being the substitute offered by Mr. Thomas, was now in order, and

The President decided that it would not be in order, because the previous question applied to the whole amendment, and was not yet exhausted.

From which decision of the chair, Mr. Bowie appealed; and

On the question being put,

Shall the opinion of the chair stand as the judgment of the Convention?

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, McCullough, Miller, Spencer, Grason, George, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Annan, McHenry, Magraw, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Neill, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Bond, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Biser, Schley, Fiery, John Newcomer, Davis, Waters and Smith—34.

So the opinion of the chair was sustained.

The question was then put on the 2nd branch of the substitute as offered by Mr. Thomas, being the 2nd article;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Mitchell, Donaldson, Dorsey, Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—47.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Lee, Chambers, of Kent, Wells, Randall, Weems,

Bond, Brent, of Charles, John Dennis, Crisfield, Dashiell, Hicks, Williams, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Davis and Waters—31.

So the 2nd article was adopted.

The question was then put on the 3rd branch of said substitute, being the 3rd article ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Donaldson, Dorsey, Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Chambers, of Cecil, McCullough, Miller, Bowie, Tuck, Spencer, Grason, George, Dirickson, Thomas, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Ware, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Weems, Bond, Brent, of Charles, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Sprigg, McCubbin, Bowling, McMaster, Hearn, Fooks, Jacobs, Schley, Fiery, Davis, Waters and Smith—31.

So the 3rd article was adopted.

The question then recurred upon the adoption of the report ;

The said report having been read through as amended ;

Mr. Thomas, moved the question be taken on each article separately, and by yeas and nays ;

Determined in the affirmative.

The question was then put on the adoption of the 1st article ;

The yeas and nays being taken appeared as follows:

AFFIRMATIVE—Messrs. Dorsey, Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Chambers, of Cecil, McCullough, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Ware, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—41.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Bond, Brent, of Charles, John Dennis, Crisfield, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, McHenry, Schley, Davis, Waters and Smith—35.

So the 1st article of said report was adopted.

The 2nd article of said report was then read, and

The yeas and nays being ordered appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Dorsey, Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Chambers, of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—46.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Weems, Bond, Brent, of Charles, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, McHenry, Davis and Waters—31.

So the 2nd article was adopted.

The 3rd article of said report was then read, and on the question being put,

“Will the Convention adopt said article?”

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Dorsey, Kent, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Chambers, of Cecil, McCullough, Miller, Bowie, Tuck, Spencer, Grason, George, Dirickson, Thomas, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Bond, Brent of Charles, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Sprigg, McCubbin, Bowling, McMaster, Fooks, Jacobs, Schley, Davis, Waters and Smith—29.

So the 3rd article was adopted.

The said report having been read through and adopted,

Mr. Schley, moved to reconsider the vote of the Convention just taken on said report for the purpose of enabling him to offer the following as a substitute therefor:

“It shall be the duty of the Legislature at its first session after the adoption of this Constitution, to provide by law, for the election by the people at stated times of three States' Agents, who shall exercise a diligent and faithful supervision on all public

works in which the State may be interested, as stockholder or creditor; and shall represent the State in all meetings of the stockholders, and perform such other duties as may be prescribed by law, and shall each receive a salary to be fixed by law, which salary shall not be increased or diminished during their continuance in office.

The Eastern Shore shall constitute one district, and the qualified voters thereof, shall elect one member, and the Western Shore shall be divided into two districts, and the qualified voters of said districts shall elect two members, each district separately to elect a member;"

Which was read.

Mr. Gwinn, moved to lay the motion to reconsider on the table.

Mr. Schley, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Dorsey, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Chambers, of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Bond, Brent, of Charles, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, Schley, Davis, Waters and Smith—32.

So the motion to reconsider was laid on the table.

Mr. Jacobs, then moved further to amend said report by adding at the end thereof as an additional section the following:

"Section 4. And the salary of the said commissioners shall not exceed the sum of one hundred dollars per annum each;"

Which was read.

Mr. Spencer, moved the previous question, and being seconded, The question was put on the adoption of said amendment.

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Lee, Chambers of Kent, Mitchell, Randall, Weems, Bond, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Tuck, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, Nelson, Schley, Fiery, John Newcomer, Brewer, Waters and Smith—30.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Donaldson, Dorsey, Wells, Brent, of Charles, Howard, Buchanan, Bell, Welch,

Ridgely, Lloyd, Chambers, of Cecil, McCullough, Miller, Bowie, Sprigg, Spencer, Grason, George, Thomas, Shriver, Gaither Biser, Annan, McHenry, Magraw, Stewart, of Car., Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Harbine, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—44.

So the amendment was rejected.

Mr. Tuck, then moved to amend said report by adding at the end thereof as an additional section the following :

“Section 4. And the salary of the said commissioners shall not exceed the sum of two hundred dollars per annum each ;”

Which was read.

Mr. Thomas moved to lay said amendment on the table.

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Dorsey, Howard, Bell, Welch, Ridgely, Lloyd, Chambers of Cecil, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Sherwood, of Baltimore city, Ware, Fiery, Harbine, Brewer, Anderson, Hollyday, Slicer, Parke, Shower, Cockey and Brown—35.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Bond, Brent, of Charles, Buchanan, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Brent, of Balt. city, Schley, John Newcomer, Davis, Waters and Smith—37.

So the Convention refused to lay the amendment on the table.

At twenty minutes of four o'clock, P. M.

Mr. Hearn, moved the Convention adjourn.

Which motion he waived to enable the President to announce to the Convention, that Mr. Morritz, who has been acting as assistant secretary, had been called home by the illness of a member of his family, and asked permission of the Convention to grant him leave of absence.

Mr. Bowie, moved that the leave of absence asked for be granted ;

Determined in the affirmative.

The Convention then adjourned until to-morrow morning 9 o'clock.

THURSDAY, April 17th, 1851.

The Convention met,

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Biser, gave notice that on to-morrow he should move to reconsider the vote of the Convention upon the proviso submitted by Mr. Brent, of Balt. city, on the 9th inst., to the 43rd section of the report of the committee on the Legislative Department, being in these words:

“Provided that the said funds shall be distributed so as to return the proportions respectively paid in by each county and Baltimore city, and the residue to be distributed equitably according to the white population of this State, for purposes of Education;”

The Convention then resumed the consideration of the unfinished business of yesterday, being the article offered by Mr. Tuck, as an additional section to the report creating a Board of Public Works,

After debate thereon,

Mr. Buchanan, moved the previous question, that is

“Shall the main question be now put?”

Mr. Buchanan, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Sellman, Dalrymple, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, McCullough, Miller, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—44.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Davis, and Smith—33.

So the previous question was sustained.

The question was then put on the adoption of the amendment as offered by Mr. Tuck;

Mr. Tuck, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Lee, Chambers, of Kent, Mitchell, Donaldson, Randall, Kent, Weems, Dalrymple,

Bond, Brent, of Charles, Ridgely, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Tuck, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Nelson, Schley, Fiery, John Newcomer, Davis, Brewer, and Smith—33.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Dorsey, Wells, Sellman, Howard, Buchanan, Bell, Welch, Lloyd, Dickinson, Sherwood, of Talbot, Colston, McCullough, Miller, Bowie, Sprigg, McCubbin, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Magraw, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Harbine, Anderson, Weber, Holyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

So the amendment was rejected.

Mr. Blakistone, moved that Hamilton Gambrill be appointed Assistant Secretary to this Convention during the indisposition of Mr. Chichester, the present Assistant Secretary.

Mr. Brent, of Balt. city, moved to amend said motion by striking out the name of "Hamilton Gambrill," and substituting in lieu thereof the name of "John Nick Watkins."

Mr. Magraw, moved to lay the motion and amendment on the table.

Determined in the affirmative.

On motion of Mr. Bowie,

The Convention proceeded to the consideration of the special order of the day, being the report No. 13, submitted by him as chairman of the committee on the Judiciary, and the substitute offered therefor by Mr. Crisfield, from the minority of said committee.

The 1st section of said report having been read, was adopted.

The 2nd section of said report was then read.

On motion of Mr. Bowie,

Said section was passed over informally.

On motion of Mr. Crisfield,

The 3rd and 4th sections of said reports were passed over informally.

The 5th section of said report was then read,

Mr. Crisfield, moved as a substitute for said 5th section, the 4th section of the report submitted by him on the 18th of March, and to be found on page 453 of Journal.

Mr. Phelps, moved to amend said 5th section of the report of the committee by striking out in the 8th line thereof these words, "a plurality vote of the legal and qualified voters therein," and

inserting in lieu thereof "joint ballot of the two Houses of the General Assembly of Maryland."

After debate thereon,

At 3 o'clock, P. M.,

On motion of Mr. Donaldson,
The Convention adjourned until to-morrow morning 9 o'clock.

FRIDAY, April 18th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Biser, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention upon the proviso submitted by Mr. Brent, of Balt. city, on the 9th inst., to the 43rd section of the report of the committee on the Legislative Department.

On motion of Mr. Biser,

Said motion was postponed until Thursday next.

On motion of Mr. Stewart, of Caroline, it was

Ordered, That it be entered upon the Journal that the absence of Mr. Carter, from the Convention, is occasioned by the illness of a member of his family.

Mr. Annan, submitted the following order :

Ordered, That the general debate on the report of the Judiciary committee, shall terminate on Wednesday next at one o'clock, when each amendment then pending, and every amendment thereto that may afterwards be offered, shall be passed upon without further discussion, other than such explanatory remarks, not extending beyond ten minutes, as the member who has offered or may offer such amendments respectively may desire to make.

Which was read.

Mr. Spencer, moved to postpone said order until Tuesday next.

Mr. Phelps, moved to lay said order on the table.

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems.

Dakynple, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Jacobs, Davis, Kilgour, and Smith—33.

NEGATIVE—Messrs. Chapman, Pres't, Sellman, Brent, of Charles, Merrick, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood of Talbot, Colston, Miller, Bowling, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke and Shower—40.

So the Convention refused to lay the order on the table.

The question then recurred upon the motion of Mr. Spencer, to postpone said order until Tuesday next.

Mr. Spencer, withdrew the motion.

Mr. Brent, of Balt. city, offered as a substitute for said order the following :

Ordered, That after this day, no member shall be allowed to debate the Judiciary report longer than half an hour, and that all debate on this subject shall cease on Thursday, 25th of April, at 12 o'clock, except so far as to allow the mover of any proposition or amendment ten minutes for explanatory remarks.

Which was read.

Mr. Annan, accepted the substitute.

Mr. Phelps, moved to amend said substitute by striking out "half an hour," and inserting in lieu thereof "one hour ;"

Determined in the negative.

The question then recurred upon the adoption of the order.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Sellman, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke and Shower—37.

NEGATIVE—Messrs. Morgan, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Brent, of Char., Merrick, John Dennis, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Davis, Kilgour and Smith—36.

So the order was adopted.

Mr. Spencer, gave notice that at the proper time, he should

offer the following amendments to the report of the Judiciary committee, which he desired should be entered upon the record :

Amendment to the 2nd section :

"The Court of Appeals shall consist of a chief justice and three assistant justices, any three of whom shall form a quorum, whose judgment shall be final and conclusive in all cases of Appeals, and who shall have like jurisdiction with the present Court of Appeals of this State, and such other jurisdiction as may hereafter be prescribed by the General Assembly of Maryland. The Governor, for the time being, by and with the advice and consent of the Senate, shall designate the chief justice. Their salaries shall be respectively twenty-five hundred dollars per year, and shall not be diminished during their continuance in office."

Substitute for 5th section :

"Sec. 5. The State shall be divided into four districts, as prescribed in section of this constitution, and one person of integrity and sound judgment in the law, who shall have been a citizen of this State at least five years, and a resident of the district, and not above the age of years, shall be appointed by the Governor for the time being, by and with the advice and consent of the Senate, from each of said districts, as a Judge of the said Court of Appeals, who shall hold his office for the term of ten years from the time of his appointment, or until he shall have attained the age of years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of years, and not afterwards.

"Sec. 6. The Judges of the Court of Appeals, and of all other courts in this State, during the term of their appointment, shall be subject to removal for incompetency, in the neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law, by presentment of the grand jury and conviction of a petit jury of the county in which they shall respectively reside, or by the Governor upon the address of the General Assembly, two-thirds of the members of each house concurring in said address."

Mr. Tuck, chairman of the committee to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers, not embraced in the duties of other standing committees, submitted the following

REPORT :

'The committee "to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees," respectfully submit the following report :

1st. Of the Lottery Commissioner; there shall be one Lottery Commissioner, who shall perform the duties now or that may hereafter be prescribed by law. He shall be elected by the electors of the State, at the first election for Delegates to the Assembly after the adoption of this constitution, and biennially thereafter-

His whole compensation shall be fifteen hundred dollars per annum. The Legislature shall have power to abolish or regulate the said office, except as to the mode of appointment and amount of compensation. In the case of a vacancy happening in said office, it shall be filled by the Executive in same manner as vacancies happening in Executive appointment.

2nd. Of the Register of the Land Office; the Register of the Land Office shall be appointed by the Governor, by and with the advice and consent of the Senate, and hold his office for the term of six years, and his fees of office shall be the same as are now allowed by law.

3rd. The office of Examiner General shall be abolished from and after the first day of January next, after which time the duties of said office shall be performed by the Register of the Land office who shall receive for such services the fees now prescribed by law.

4th. Of County Commissioners; the county authorities now known as Levy courts or county commissioners shall hereafter be styled county commissioners, and shall be elected by general ticket, and not by districts, by the voters of respective counties. Said commissioners shall exercise such powers and duties only as the Legislature may from time to time prescribe—but such powers and duties and the tenure of office shall be uniform throughout the State, and the Legislature shall at or before its second regular session after the adoption of this constitution pass such laws as may be necessary for ascertaining and defining the powers, duties and tenure of office of said commissioners; and until the passage of such laws, the present county authorities shall have and exercise all the powers and duties now exercised by them under the laws of this State.

5th. The General Assembly may provide by law for the election or appointment of such other county officers as may be required, and are not provided for in this constitution, and prescribe their powers and duties, but their tenure of office, their powers and duties and mode of appointment shall be uniform throughout the State.

6th. Of Inspectors, Measurers, &c.; all offices for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, except Tobacco, are hereby abolished, and no such office shall hereafter be created by law; but nothing in this section contained, shall abrogate any office created for the purpose of protecting the public health, or the interests of the State, in its property, revenue, tolls, or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter.

Which was read.

On motion of Mr. Thomas,
The Convention then resumed the consideration of the order of

the day, being the report No. 13, submitted by Mr. Bowie, as chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday being on the amendment offered by Mr. Phelps, to strike out in the 5th section, 8th line these words "a plurality vote of the legal and qualified voters therein," and insert in lieu thereof, "joint ballot of the two houses of the General Assembly of Maryland."

On the question being put,

"Will the Convention adopt said amendment?"

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Lee, Chambers, of Kent, Mitchell, Wells, Randall, Kent, Sellman, Dalrymple, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, Fooks, Jacobs and Kilgour—17.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Donaldson, Dorsey, Brent, of Charles, Merrick, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Crisfield, Miller, Bowie, Tuck, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—53.

So the amendment was rejected.

The question then recurred on the adoption of the substitute as offered by Mr. Crisfield, for the 5th section of said report.

Mr. Spencer, offered as a substitute for said section and substitute, the amendment proposed by him this morning as a substitute for said section.

Which was read.

Mr. Crisfield, moved to amend the said 5th section of the report of the committee, by striking out in the 9th and 10th lines of said section the words "for the term of ten years," and inserting in lieu thereof the words, "during good behaviour."

Which was read.

Mr. Kilgour moved the Convention adjourn ;

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. Crisfield.

Mr. Crisfield, moved the question be taken by yeas and nays, and being ordered,

On motion of Mr. Ware,

The Convention was called.

On motion of Mr. Shriver,

Further proceedings under the call was dispensed with.

The yeas and nays were then taken on the amendment as offered by Mr. Crisfield, and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't., Morgan, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Crisfield, Dashiell, Hicks, Goldsborough, Tuck, Sprigg, Bowling, Grason, Fooks, Jacobs and Davis—23.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Eccleston, Phelps, Miller, Bowie, Spencer, George, Wright, Dirickson, McMaster, Hearn, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—49.

So the amendment was rejected.

Mr. Donaldson, then moved to amend said 5th section, by striking out all after the word "and," in the 2nd line to the word "who," in the 9th line, and insert in lieu thereof the following :

"For each of said districts one Judge of the Court of Appeals, shall be appointed in the following manner:—Three persons of integrity and sound legal knowledge, being above the age of thirty years and residents of the district, shall be selected by joint ballot of the Legislature, and their names shall be presented to the Governor, who shall thereupon commission one of said persons to be a judge of the said Court of Appeals."

At 3 o'clock P. M.,

On motion of Mr. Grason.

The Convention adjourned until to-morrow morning 9 o'clock.

SATURDAY, April 19th, 1851.

The Convention met,

And having been called to order by Mr. Ricaud, appointed President pro tem., by the President, and after

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

'The Convention resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. Bowie, as chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Donaldson, to the 5th section of said report.

Mr. Donaldson, moved for a division of the question upon striking out.

After debate thereon,

Mr. Spencer, moved that the Convention do now adjourn until Monday morning, there being only sixty-four members now in attendance.

Mr. Johnson, rose to a point of order, that the motion of Mr. Spencer, being accompanied with reasons for the adjournment, that the motion was not in order.

The chair stated that the motion to adjourn was in order, but could not be accompanied with reasons for the motion.

Mr. Spencer, then withdrew the reasons, and moved the Convention adjourn.

On this motion, he moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Lee, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, John Dennis and Spencer—10.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Chambers of Kent, Merrick, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Smith, Parke and Shower—58.

So the Convention refused to adjourn.

The question then recurred upon the motion of Mr. Donaldson, to strike out.

Mr. Spencer, (with the consent of the Convention) withdrew the substitute offered by him on yesterday, for the 5th section of the report.

Mr. Crisfield, (with the consent of the Convention,) also withdrew the substitute offered by him for the 5th section of said report.

The question again recurred upon the motion of Mr. Donaldson, for a division of the question upon striking out.

On the question being put on striking out.

Mr. Donaldson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Colston, John Dennis, Crisfield, Hicks, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, Bowling, Hearn, Fooks, Jacobs, Sappington and Kilgour—23.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Mitchell, Merrick, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood of Talbot, Dashiell, Miller, Bowie, Spencer, Grason, George, Wright, Dirickson, McMaster, Shriver, Johnson, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Smith, Parke and Shower—45.

So the Convention refused to strike out.

Mr. Crisfield, moved to amend said 5th section, by striking out in the 1st line the word "three," and inserting "four," and by striking out all after the words "judicial districts," in said 1st, 2nd and 3rd lines these words "one on the Eastern and two on the Western shore, which said districts shall be laid off as the Gubernatorial districts are," and inserting in lieu thereof the following :

"The counties on the Eastern Shore shall compose one district, Allegany, Washington, Frederick, Carroll, Baltimore and Harford counties shall compose one district; Baltimore city shall be one district, and Anne Arundel, Howard, Montgomery, Prince George's, St. Mary's, Charles and Calvert counties shall compose one District ;"

Mr. Dorsey, moved to amend said 5th section by inserting after the word "law," in the 4th line these words, "being a citizen of the United States and," also by striking out in the 5th line the words "a citizen," and inserting in lieu thereof "an inhabitant ;"

Mr. Kilgour, moved the Convention adjourn ;

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 11 o'clock.

MONDAY, April 21st, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The Proceedings of Saturday were read.

On motion of Mr. Welch, it was

Ordered, That the committee on Militia, enquire into the expediency of inserting a clause in the constitution requiring all persons (not exempted by law) who refuse to do military duty, to pay a fine of _____, the amount of which fine, to be distributed among the several volunteer corps in this State.

Mr. Weems, presented the accounts of sundry persons for newspapers, stationery, &c., furnished the Convention ;

Which on his motion, were referred to the committee on Accounts.

The Convention then resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. Bowie, as chairman of the committee on the Judiciary.

The question pending before the Convention on Saturday, being on the amendment offered by Mr. Crisfield, to the fifth section of said report ;

Mr. Bowie, moved for a division of the question, which was put on striking out ;

Mr. Jacobs, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Dalrymple, Howard, Lloyd, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, Spencer, Shriver, Gaither, Annan, Brent, of Balt. city, Schley, Fiery, Kilgour and Smith—32.

NEGATIVE—Messrs. Sollers, Buchanan, Bell, Welch, Colston, Miller, Bowie, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Biser, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke and Shower—34.

So the Convention refused to strike out.

Mr Dorsey, then moved to amend said 5th section of the report, by inserting after the word, "law," in the 4th line, these words, "being a citizen of the United States and," also, by striking out in the 5th line the words "a citizen," and inserting in lieu thereof, "a resident ;"

The question was put on the first branch of the amendment ;

Mr. Dorsey, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Dorsey, Wells, Buchanan, Bell, Welch and Schley—7.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Lee, Chambers, of Kent, Mitchell, Donaldson, Weems, Dalrymple, Howard, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Hicks,

Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Spencer, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Ware, Fiery, Harbine, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—55.

So the amendment was rejected.

Mr. Dorsey, (withdrew the second branch of his amendment.)

Mr. Stephenson, moved to amend said 5th section of the report, by striking out the word "election," in the sixth line, and inserting "appointment;" strike out the word "elected," in the seventh line, and insert "appointed by the Governor, by and with the advice and consent of the Senate;" strike out in the eighth line the words, "by a plurality vote of the legal and qualified voters therein," and strike out the word "election," in the tenth line, and insert "appointment."

Mr. Bowie, moved for a division of the question, which was put on striking out.

Mr. Biser, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Chambers of Kent, Donaldson, Wells, Weems, Dalrymple, Colston, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Spencer, Fooks, Jacobs, Sappington and Stephenson—18.

NEGATIVE—Messrs. Ricaud, Pr't, p. t., Morgan, Mitchell, Dorsey, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Miller, Bowie, Tuck, George, Wright, Dirickson, McMaster, Shriver, Johnson, Gaither, Biser, Annan, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—45.

So the Convention refused to strike out.

Mr. Hicks, moved to amend said 5th section by striking out at the end of the 9th line, the word "ten," and inserting in lieu thereof "fourteen," and at 11th line after the word "and," insert, "shall not," and in 12th line by striking out all of said line except the last word "subject."

Mr. Bowie, moved for a division of the question, which was put upon striking out.

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Pres't, pro tem., Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Weems, Dalrymple, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Fooks and Jacobs—18.

NEGATIVE—Messrs. Morgan, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Miller, Bowie, Sprigg, Spencer, George, Wright, Dirickson, McMaster, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—43.

So the Convention refused to strike out.

Mr. Dorsey, then moved to amend said 5th section by striking out in the 9th line the word "ten;" and inserting in lieu thereof, "twenty."

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Ricaud, Prest, pro tem., Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Sprigg, Fooks and Jacobs—17.

NEGATIVE—Messrs. Morgan, Sollers, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Eccleston, Phelps, Miller, Bowie, Tuck, Spencer, George, Wright, Dirickson, McMaster, Hearn, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—47.

So the amendment was rejected.

Mr. Dirickson, then moved to amend said 5th section, by striking out in the 9th line, the word "ten," and inserting in lieu thereof "six ;"

Mr. Dirickson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Dirickson, Shriver, Johnson, Biser, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine and Brewer—12.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Sollers, Howard, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Spencer, George, Wright, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Stewart of Balt. city, Schley, Fiery, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—47.

So the amendment was rejected.

Mr. Fitzpatrick, moved to amend said section, by striking out in

the 9th line, the word "ten" and inserting in line thereof "eight;"

Determined in the negative.

Mr. Sollers, offered as a substitute for said 5th section, the following :

"That the Judiciary system of this State, as now established by the constitution and laws of this State; shall be and remain as it was before the meeting of this Convention, except so far as an alteration in the judicial districts and increasing the number thereof, is concerned; power to do which is hereby granted to the Legislature;"

The chair stated that there were other amendments pending to the 5th section, and the substitute for the whole section was not then in order;

By the unanimous consent of the Convention, the question was first taken on the adoption of the substitute ;

Mr. Sollers, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chambers, of Kent, Wells, Weems, Dalrymple, Sollers, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Sprigg, Hearn, Fooks and Jacobs—15.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Mitchell, Donaldson, Randall, Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Eccleston, Phelps, Miller, Bowie, Tuck, Spencer, George, Wright, Dirickson, McMaster, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—50.

So the Convention refused to accept the substitute.

Mr. Chambers, of Kent, gave notice that on to-morrow, he should move to reconsider the vote of the Convention on the amendment offered by Mr. Crisfield, on the 19th instant, and rejected this morning, in relation to four Judges for the Court of Appeals.

Mr. Sollers, gave notice that on to-morrow he should move to amend said 5th section of the report by striking out the words, "from among those learned in the law," and should also move to amend said section by striking out that part of said section which limits the term of Judges to ten years, and insert "twelve months."

At 20 minutes past 3 o'clock, P. M.

On motion of Mr. Phelps,

The Convention then adjourned until to-morrow morning 9 o'clock.

TUESDAY, April 22nd, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Dorsey, chairman of the committee on New Counties, submitted the following

REPORT :

Art. It shall be the duty of the Legislature, at its session next after the adoption of this constitution, to pass all such laws as may be necessary to define the limits of a new county, to be formed of that part of Frederick county, which lies to the west of the Catoctin mountain, and embracing the south eastern parts of Washington county; and to take the votes of the qualified voters, of such contemplated county; and if a majority thereof shall cast their votes in favor of the creation of such new county; then the Legislature shall pass all legislative enactments requisite for the establishment and organization thereof, the name whereof shall be "Lee county." And its representation in the General Assembly shall be one Senator and two Delegates; which said two Delegates shall thenceforth be deducted, the one from the Delegates of Frederick county, and the other from that of Washington county, until after the next census of the United States, when the representation in the House of Delegates, of the city of Baltimore and all the counties of this State, shall be adjusted in the manner hereinbefore provided for by this constitution.

Which was read; and

On motion of Mr. Dorsey,

Made the order of the day for Tuesday next, 29th inst.

Mr. Harbine, stated that as a member of said committee, he dissented entirely from said report.

Mr. Shriver, presented a petition of sundry citizens of Frederick and Washington counties, remonstrating against the formation of a new county, to be composed of a portion of the aforesaid counties.

Which was read, and

On motion of Mr. Shriver,

Referred to the committee on New Counties.

Mr. Sollers, chairman of the select committee on the subject, submitted the following

REPORT :

The committee to whom was referred the subject of the requisition of the Governor of Pennsylvania upon the Governor of this State, for the delivering of James S. Mitchell, beg leave to report that they have had the same under consideration, and have come to the conclusion that the Governor of this State did right in re-

fusing to deliver said Mitchell to the authorities of the State of Pennsylvania, and that he deserves the thanks of the good people of this State for the firmness he has manifested in his refusal to deliver a citizen of Maryland to an unjust and unconstitutional demand made by the Governor of Pennsylvania.

They beg leave further to report that they have understood that two citizens of the State of Pennsylvania who acted as agents of James S. Mitchell, in capturing his slaves, have been convicted of the crime of Kidnaping and sentenced to the Penitentiary of that State. Believing as your committee do, that the taking and delivering to the said Mitchell, by the said agents, of the child of the fugitive slave woman of the said Mitchell, was not a crime under the federal constitution, but in strict conformity thereto, and feeling as they do, the deepest sympathy for the said agents, they beg leave to report the following resolutions :

Resolved, That the Executive of this State be requested to instruct the Attorney General to cause such proceedings to be set on foot, as that the case of the said agents may be brought before the Supreme Court of the United States for its adjudication.

Resolved further, That 1,000 copies of correspondence between the Governor of this State and the Governor of Pennsylvania, with the accompanying documents, be printed for the use of the members of this Convention.

Which was read and laid on the table.

The Convention then resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. Bowie, chairman of the committee on the Judiciary.

On motion of Mr. Spencer,

The Convention was called, and the Doorkeeper sent for the absent members.

Mr. Gwinn, moved to dispense with further proceedings under the call.

Mr. Spencer, moved the question 'be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Lee, Wells, Howard, Colston, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Grason, Wright, Dirickson, Jacobs, Johnson, Gaither, Biser, Gwinn, Stewart, of Balt. city, Ware, Neill, Anderson, Weber, Parke and Brown—24.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Chambers, of Kent, Mitchell, Dorsey, Dalrymple, Sollers, Buchanan, Bell, Ridgely, Sherwood, of Talbot, John Dennis, McCullough, Miller, Bowie, Bowling, Spencer, George, McMaster, Hearn, Fooks, Thomas, Shriver, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Hardcastle, Brent, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Harbine, Kilgour, Hollyday, Slicer, Fitzpatrick, Smith and Shower—40.

So the Convention refused to suspend further proceedings under the call.

Mr. Howard, moved to suspend further proceedings under the call.

Determined in the affirmative.

The Convention then resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending before the Convention being on the amendment offered by Mr. Hicks on yesterday, to insert after the word "and," in the 11th line, the words "shall not;"

On the question being put,

"Will the Convention adopt said amendment?"

Mr. Hicks, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Pres't, p. t. Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Dalrymple, Howard, Bell, Ridgely, John Dennis, Crisfield, Dashie!, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Fooks, Jacobs, Nelson and Smith—25.

NEGATIVE—Messrs. Morgan, Sellman, Sollers, Merrick, Buchanan, Welch, Sherwood of Talbot, McCullough, Miller, Bowie, Tuck, Bowling, Spencer, George, Wright, Dirickson, McMaster, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Kilgour, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—45.

So the amendment was rejected.

Mr. Chambers, of Kent, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention on the amendment offered by Mr. Crisfield, on the 19th inst., in relation to the election of four Judges for the Court of Appeals.

Determined in the affirmative.

Mr. Thomas, then moved to amend said 5th section of the report of the committee by striking out these words "the State shall be divided into three judicial districts, one on the Eastern and two on the Western shore, which said districts shall be laid off as the gubernatorial districts are," and inserting in lieu thereof the following:

"The State shall be divided into four judicial districts, Allegany, Washington, Frederick, Carroll, Baltimore and Harford counties shall compose the first; Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles and Prince George's counties the second; Baltimore city the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester counties shall compose the fourth district;"

Which was read.

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, President, p. t. Morgan, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Weems, Dalrymple, Sollers, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood of Talbot, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Tuck, Bowling, Spencer, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Gwinn, Brent of Balt. city, Schley, Neill, Harbine, Kilgour, Hollyday, Smith, Shower and Brown—50.

NEGATIVE—Messrs. Sellman, Colston, Miller, Grason, George, Dirickson, McMaster, Fooks, Jacobs, Johnson, Stewart of Caroline, Hardcastle, Stewart of Balt. city, Sherwood of Balt. city, Ware, Fiery, Anderson, Weber, Slicer, Fitzpatrick and Parke—21.

So the amendment was adopted.

Mr. Gwinn, moved further to amend said 5th section by striking out from the word “elected,” in the 7th line, to the word “who,” in the 9th line, and inserting in lieu thereof the following:

“On general ticket by a majority of the legal and qualified voters of the State, as Judges of the said Court of Appeals;”

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Welch, Colston, Miller, Spencer, Stewart, of Caroline, Gwinn, Stewart, of Baltimore city, Brent, of Baltimore city, Sherwood of Balt. city, Ware, Anderson, Parke and Brown—13.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Kent, Weems, Dalrymple, Sollers, Merrick, Jenifer, Howard, Buchanan, Bell, Ridgely, Sherwood of Talbot, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Tuck, Sprigg, Bowling, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Hardcastle, Schley, Fiery, Neill, Harbine, Kilgour, Weber, Hollyday, Slicer, Fitzpatrick, Smith and Brown—59.

So the amendment was rejected.

Mr. Jenifer, gave notice that at the proper time he should offer the following as a substitute to the report of the committee on the Judiciary, which he desired should be entered upon the record :

JUDICIAL DEPARTMENT.

Section 1. There shall be a Court of Appeals, which shall have, use and exercise all and every the powers, authorities and jurisdiction of the existing Court of Appeals, and such additional power, authority and jurisdiction as may be conferred by the con-

stitution and laws made pursuant thereto; and its judgments shall be final and conclusive in all cases whatever.

Sec. 2. The Court of Appeals shall hold its sessions at the seat of government, at least twice in every year, and oftener if required; in every case decided, an opinion in writing shall be filed, and provision shall be made by law for publishing reports of cases argued and determined in said court.

Sec. 3. The Court of Appeals shall consist of four judges, learned in the law, any three of whom shall constitute a quorum for the transaction of business.

Sec. 4. The State shall be divided into four districts to be called Superior Judicial Districts, from one of each of which a Judge shall be appointed. The districts to be composed in the following manner.—The counties of St. Mary's Charles, Prince George's Calvert, Anne Arundel, Montgomery and Howard, to be the 1st district. The counties, of Harford, Baltimore, Carroll, Frederick, Washington and Allegany, to be the 2nd district. The city of Baltimore to be the 3rd district. The counties of Worcester, Somerset, Dorchester, Talbot, Caroline, Queen Anne's Kent and Cecil, to be the 4th district.

Sec. 5. No person who is not a citizen of the United States, or who shall not have attained the age of 30 years, or who has not been admitted to practice law in this State, or who shall not have been a citizen of the State at least five years, and at the time of his appointment a resident of the superior judicial district, for which he shall be appointed, at least two years immediately preceding his appointment, shall be eligible to the office of a Judge of the Court of Appeals of this State.

Sec. 6. The Judges of the Court of Appeals shall be appointed by the Governor for the time being, with the advice and consent of the Senate, one of whom shall be designated as chief judge, the other as associates, whose term of service shall be for twelve years; provided however, that no Judge shall remain in office after he has arrived at sixty-five years of age.

Sec. 7. The salary of each Judge of the Court of Appeals shall be \$2,500 annually, which shall not be diminished during their continuance in office.

Sec. 8. The Court of Appeals shall appoint its own clerk, who shall hold his office for six years, and may be re-appointed at the end thereof; he may be removed from office by the said court for incompetency, neglect of duty, misdemeanor in office, and for such other cause as may be provided for by law.

COUNTY COURTS.

Sec. 9. The State shall be divided into eight districts, to be called inferior judicial districts, in manner and form following, to wit: Saint Mary's, Charles and Prince George's counties, shall be the first district; Anne Arundel, Howard, Calvert and Montgomery counties, shall be the second district; Frederick and Car-

roll counties, shall be the third district; Washington and Allegany counties, shall be the fourth district; Baltimore shall be the fifth district; Baltimore, Harford and Cecil counties, shall be the sixth district; Kent, Queen Anne's Talbot and Caroline counties, shall be the seventh district; and Dorchester, Somerset and Worcester counties, shall be the eighth district; and there shall be elected as herein directed, one person, having the qualifications hereinafter prescribed, for each of the said judicial districts, except the fifth, to be judge thereof, the said judges shall be styled district judges, and shall respectively hold a term of their court at least twice in each year or oftener, if required by law, in each county, composing their respective districts; and the said courts shall be called district courts for county in which it may be held; and shall have, hold and exercise, in the several counties of this State, all and every, the powers, authorities and jurisdictions which the county courts of this State now have, hold and exercise, or which shall hereafter be prescribed by laws made pursuant to this constitution.

Sec. 10. The Judges of the several inferior judicial Districts shall be citizens of the United States, and shall have resided five years in this State, and two years in the judicial district for which they may be respectively elected, next before the time of election, and shall reside therein while they continue to act as judges; and shall hold their offices ten years removable for misbehaviour on conviction in a court of law, or shall be removed by the Governor, upon the address of the General Assembly, provided that two-thirds of the members of each House shall concur in such address; and the said judges shall receive a salary of 2,000 dollars per annum, and the same shall not be diminished during the time of their continuance in office; and no judge of any court in this State or chancellor who has a salary fixed by law shall receive any perquisite, fee or reward in addition thereto, for the performance of any judicial duty.

Sec. 11. There shall be a clerk to each county court, who shall be elected by a plurality vote of the qualified voters of each county, who shall hold his office for the term of six years from the time of his election, and until a new election is held, subject to removal for wilful neglect of duty or other misdemeanor in office; by presentment of a grand jury, and conviction of a petit jury of the county, in which he shall reside, the Legislature shall provide by law for suitable annual salaries for such clerks, in lieu of all fees and perquisites as now established by law; in the event of any vacancy in the office of clerk of the county, such vacancy shall be filled by the Governor until the next general election, when said term of appointment shall expire.

BALTIMORE.

Sec. 12. There shall be established for the city of Baltimore, one court with common law jurisdiction, to be styled "The Court of Common Pleas," which shall have civil jurisdiction in all suits

where the debt or damage claimed shall not exceed five hundred dollars.

Sec. 13. There shall also be in said city another common law court having jurisdiction over all suits where the debt or damages claimed shall exceed the sum of five hundred dollars; and each of said courts shall be vested with all powers now held and exercised by Baltimore county court as a court of law; and this last court shall be styled "The Superior Court of Baltimore city."

Sec. 14. There shall also be established a court having equity jurisdiction, for the city of Baltimore, whose style shall be "The Chancery Court of the City of Baltimore," and which shall have and exercise the equity jurisdiction now exercised by Baltimore county court sitting as a court of equity. Each of the said three courts shall consist of one Judge, who shall hold his office for the term of ten years, subject to the provisions of this constitution, with regard to the election and qualification of judges and their removal from office; and the salary of each of the said judges shall be twenty-five hundred dollars per year.

Sec. 15. The Court of Common Pleas shall have jurisdiction in all appeals from magistrates decisions in the said city, and the said appeals shall be made to the said court. And the chancery court shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and of the administration of the estates of insolvent debtors, and the supervision and control of the trustees thereof.

Sec. 16. There shall be established an Orphans' Court for Baltimore city, which shall consist of one judge, who shall hold his office for the term of ten years, and who shall have all the powers now vested in the Orphans' court of Baltimore county, subject to such regulations as the Legislature may establish for the conduct of the ordinary business of the said court by the Register of Wills of the said city; and who shall be subject to the provisions of this constitution as to the election and qualifications of judges and their removal therefrom; and the salary of the said judge shall be two thousand dollars per year.

Sec. 17. There shall also be a criminal court for the city of Baltimore, to be styled "the Criminal court of Baltimore city," which shall consist of one Judge, and shall have and exercise all the jurisdiction now exercised by Baltimore city court, except so far as the same may be vested in the police court hereafter to be established, and shall have exclusive jurisdiction in cases of petition for freedom, and in all cases of petitions to cancel or enforce contracts of apprenticeships; and the said judge shall receive an annual salary of two thousand dollars per annum, and shall be subject to the provisions of this constitution with regard to the election and qualifications of judges and their removal from office.

Sec. 18. There shall also be established a court, to be styled

"the police court of Baltimore city," to consist of one judge, who shall hold his office for the term of ten years, and who shall be subject to all the provisions of this constitution with regard to the election and qualification of judges and their removal from office; and the said court shall have jurisdiction in all prosecutions for assault and battery; for keeping disorderly houses; for larceny where the property stolen does not exceed in value the sum of twenty dollars; in all prosecutions for receiving stolen goods, and knowing them to be stolen; and for selling goods without license; and it shall be the duty of the Legislature to provide for quarterly sessions of said court for the purpose of trying those cases in which a trial by jury may be demanded by the accused; and also to provide that the said court shall hold frequent sessions for the trial of cases, subject to its jurisdiction, in which the accused may not demand a jury trial. And the judge of said court shall receive an annual salary of fifteen hundred dollars.

Sec. 19. There shall also be a clerk of the court of Common Pleas in Baltimore city, who shall also be the clerk of the superior court of Baltimore city, and the register in Chancery of the chancery court of the city Baltimore; and there shall also be a clerk of the criminal court of Baltimore city, who shall also be the clerk of the Police court of Baltimore city, and each of said clerks shall be elected by a plurality vote of the qualified voters of the city of Baltimore, and shall hold his office for six years from the time of his election and until a new election is held, and be re-eligible thereto, subject in like manner, to be removed for wilful neglect of duty or other misdemeanor in office by presentment of a grand jury and conviction of a petit jury of said city. In cases of a vacancy in the office of a clerk, the judge or judges of the court, of which he was clerk, shall have the power to appoint a clerk until an election can be held, which shall take place under the directions of the sheriff, upon giving thirty days public notice thereof.

Sec. 20. There shall be a register of Wills for the city of Baltimore, to be elected by a plurality vote of the qualified voters of said counties and the city respectively, and who shall hold his office for six years from the time of his election, and until a new election shall take place; and be re-eligible thereto subject to be removed for wilful neglect of duty, or other misdemeanor in office, in the same manner that the clerks of the county courts are removeable. The Legislature shall provide by law suitable annual salaries for such Registers of Wills, in lieu of the fees and perquisites as now established by law. In the event of a vacancy in the office of Register of Wills, said vacancy shall be filled by the judge of the court, until the next general election for Delegates to the Legislature shall be held, when his term of office shall expire.

Sec. 21. The Judges of the Court of Appeals, Judges of the inferior District Courts and Chancellor shall be subject to removal for incompetency, wilful neglect of duty, misdemeanor in office, and such other causes as may be prescribed by law, by presentment of

a grand jury, and conviction of a petit jury of said judicial district, or by the Governor, upon address of the General Assembly two thirds of the members of each house concurring in such address.

CHANCELLOR.

Sec. 22. There shall be a Chancellor elected for each of the Inferior Judicial Districts, whose term of office, qualifications and salary shall be the same as is herein provided for the Judges of the Inferior Judicial Districts, and who shall be elected in the same manner, and removeable for same causes.

Sec. 23. The Chancellor shall have and exercise the equity jurisdiction now exercised by the county courts sitting as courts of equity, in the several counties for which he shall have been elected. He shall hold his courts at such time and place as are now prescribed, or may hereafter be provided for by law. He shall have jurisdiction in all applications for the benefit of the insolvent laws within his district of this State, and the supervision and control of the trustees thereof.

ORPHANS' COURT.

Sec. 24. The Chancellor elected for each of the Inferior Judicial Districts shall be Judge of the Orphans' court of each county in their respective district, who shall have all the powers now vested in the Orphans' courts of the several counties of this State, subject to such regulations as the Legislature may hereafter establish. It shall be the duty of the Chancellor or Judge of the Orphans court to attend at least six times in every year, and oftener when the business of the county may require it, to examine into and discharge the duties as Judge of the Orphans' court for each county in his district, as are now or hereafter may be provided for by law. He shall examine into and revise the proceedings of the Register of Wills of each county, establish such rules and orders, not inconsistent with the law, as may tend to facilitate the business of the court.

Sec. 25. There shall be a Register of Wills for the Orphans' court of each county in the State, who shall be elected by a plurality vote of the legal voters of the county, who shall discharge the duties now or which may hereafter be required by law, whose term of office, qualifications, manner of election, and removal shall be the same as those herein provided for the clerks to the courts of the said counties. He shall also discharge the duties of Register in Chancery in such manner as may be required by law. The Legislature shall provide a suitable annual salary in lieu of fees and perquisites as at present exists.

Sec. 26. The High Court of Chancery shall continue as at present established, with such modifications as may be made by law, until the year 1860.

ESTIMATES SUBMITTED :

Costs of the present Judiciary of Maryland under the Old Constitution, as estimated by the Judiciary committee:—	
12 Associate Judges of County Courts at \$1400 per annum, - - - - -	\$16,800
6 Chief Justices of County Courts at \$2200 per annum - - - - -	13,200
1 Chief Judge of Court of Appeals, extra pay allowed by law - - - - -	300
Extra pay allowed by law to Judges of Baltimore county and city - - - - -	8,000
The Chancellor's salary - - - - -	3,000
66 Judges of Orphans' courts in the counties and city of Baltimore, at an average by actual returns, of \$300 to each Judge - - - - -	19,800
Salary to the Commissioners of Insolvent Debtors for the city of Baltimore, at \$2000 to each - - - - -	6,000
Salary of the Judges of Baltimore city court - - - - -	4,100
Total costs of the present system, - - - - -	\$71,200
Costs of the Judiciary System reported from the Committee on the Judiciary under the New Constitution:—	
3 Judges of the Court of Appeals at \$2500 to each - - - - -	\$ 7,500
20 Judges of County Courts at \$2000 - - - - -	40,000
4 Judges of Law and Equity for Baltimore city at \$2500 to each - - - - -	10,000
1 Judge for Orphans' court business for the city of Baltimore at \$2000 - - - - -	2,000
1 Police Court Judge for Baltimore city - - - - -	1,500
Total costs of system under New Constitution, - - - - -	\$61,000
Add for one Judge for Howard county - - - - -	2,000
	\$63,000
Costs of the System, as here proposed:—	
4 Judges of Court of Appeals at \$2500, - - - - -	\$10,000
8 Judges of Inferior Judicial Districts at \$2000, - - - - -	16,000
8 Chancellors for the 8 districts at \$2000, - - - - -	16,000
4 Judges of Law and Equity for Baltimore city at \$2500, - - - - -	10,000
1 Judge for Orphans' court for same, at \$2000, - - - - -	2,000
1 Police Court Judge for Baltimore city, - - - - -	1,500
	\$55,500

At half past 3 o'clock, P. M.

On motion, the Convention adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, April 23rd, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Wells, informed the Convention that he had received a communication from his colleague, Judge Dorsey, desiring him to state to the Convention, that he was compelled by indisposition to return home, but he would resume his seat in the Convention, at the earliest period he could do so.

Mr. Spencer, gave notice that at the proper time he should offer the following amendments to the report submitted by Mr. Bowie, as chairman of the committee on the Judiciary, which he desired to be entered upon the record :

"Sec. 9. This State shall be divided into eight Judicial districts exclusive of the city of Baltimore, in manner and form following, to wit : Worcester, Somerset and Dorchester counties shall be the first district ; Caroline, Talbot and Queen Anne's counties shall be the second district ; Kent, Cecil and Harford counties shall be the third district ; Allegany and Washington counties shall be the fourth district ; Frederick and Montgomery counties shall be the fifth district ; Baltimore and Carroll counties shall be the sixth district ; Prince George's, Charles and St. Mary's counties shall be the seventh district ; Calvert, Anne Arundel and Howard counties, shall be the eighth district ; and one person of integrity and sound judgment in the law, who shall have been a citizen of this State at least five years, and a resident of the district, and not above the age of seventy years, shall be elected from each of said districts, by a majority of the legal and qualified voters therein, as a Judge of the county court for said district, who shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, which ever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years, and not after ; and the county courts, so as aforesaid established, shall have, hold and exercise in the several

counties of this State, all and every the powers, authorities and jurisdictions which the county courts of this State now have, use and exercise, and which shall hereafter be prescribed by law, except in matters appertaining to courts of equity; and the said Judges shall have and use all other powers and authorities which the Judges of the county courts now have, by virtue of law, or which may hereafter be prescribed by law; and the said county courts shall respectively hold their sessions in the several counties, at the times and places where they are now held, or at such other times and places as may hereafter be prescribed by law; and the salary of the said Judges shall respectively be two thousand dollars per annum, and shall not be diminished during the period of their continuance in office, and they shall not receive any perquisites of office, from any source whatever, or any other than fixed and certain salaries.

Sec. 10. In each of the said county court districts, the chancery and the orphans' court shall be incorporated into one court, and the person who shall be elected as the Judge of the county courts, within the said districts respectively, shall be the Judge of the said chancery and orphans' court, and the said chancery and orphans' courts shall have, hold and exercise in the several counties of this State, all and every the powers, authorities and jurisdictions which the said chancery and orphans' courts of this State now have, use and exercise, and which shall hereafter be prescribed by law, and the Judge thereof shall have and use all other powers and authorities, which the chancellor and justices of the orphans' courts of this State now have, by virtue of law, or which may hereafter be prescribed by law, and the sessions of the said chancery and orphans' courts shall be held in the several counties in this State, at the time and place where the regular terms of the said orphans' courts are now held, and at such other times and places as may be fixed and appointed by the Judge of the said district, or may be prescribed by law. He shall have no other salary than that prescribed in the foregoing section.

Sec. 11. No testimony on the equity side of the said chancery and orphans' courts, shall be taken under a commission, when it is within the reach of the process of said courts, but the same proceedings, shall in all respects be had in taking testimony in said courts, as is now practiced in the county courts.

Sec. 12. The register of wills for the said orphans' courts, shall perform, in addition to his duties as said register of wills, all the duties incident to the equity jurisdiction of the said court, which are now performed by the auditor of the court of chancery, and such other duties as may hereafter be prescribed by law, and shall have power to grant injunctions as now regulated by rules of equity, during the absence from the county of the Judge of said court, of which the said Judge shall be notified as soon as possible, and if by him approved, to have the same effect as if by him approved, and if by him disapproved, to have the same effect as if by him refused; and the person in whose favor it was granted, shall be an-

swerable to the defendant for all the damage sustained by him in the premises,

Sec. 13. In the trial of all actions hereafter in the courts of this State, in which matters of account in bar or set off, are plead as now authorised by law, or which hereafter may be allowed by law, the jury shall find, according to the merits of the case, either for the plaintiff or the defendant as the same may be.

Sec. 14. The courts of this State, shall not have the power hereafter, to grant a new trial in any action of tort on the ground of excessive damage.

Mr. Stewart, of Balt. city, submitted the following order :

Ordered, That the President of the Convention be authorised to pay upon the order of the committee on Printing, such sum as the said committee shall find it necessary to disburse for the printing of the Convention ;

Which was read.

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Pres't, pro tem. Morgan, Lee, Chambers, of Kent, Mitchell, Wells, Kent, Weems, Dalrymple, Sollers, Howard, Buchanan, Ridgely, John Dennis, Crisfield, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, Spencer, George, Wright, McMaster, Gaither, Annan, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis, Anderson, Weber, Hollyday and Smith—38.

NEGATIVE—Messrs. Sellman, Bell, Welch, Sherwood, of Talbot, Colston, Miller, Fooks, Shriver, Biser, Sappington, Stephenson, Nelson, Stewart of Caroline, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Slicer, Fitzpatrick, Parke and Brown—22.

So the order was adopted.

On motion of Mr. Shriver,

The convention took up for consideration the report submitted by Mr. Sollers on yesterday, on the subject of the requisition of the Governor of Pennsylvania upon the Governor of this State, for the delivery of James S. Mitchell,

The said resolutions were then read the second time and adopted.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary ;

Mr. Stephenson moved to amend the 5th section of said report, by striking out from the word "who" in the 10th line to the word "or," in the 11th line, and inserting in lieu thereof, the following:

"And immediately after the judges of the court of appeals shall have convened after their first election under this constitution, the

judges shall be divided by lot into four classes; the seat of the judge of the first class shall be vacated at the expiration of the second year; the seat of the judge of the second class shall be vacated at the expiration of the fourth year; the seat of the judge of the third class shall be vacated at the expiration of the sixth year; and the seat of the judge of the fourth class shall be vacated at the end of the eighth year; so that one-fourth thereof, shall be elected on the first Wednesday in November, every second year; and an election shall be held for a judge in each of the judicial districts, as vacancies may occur in consequence of this classification, who shall hold his office for the term of eight years from the time of his election ;”

Determined in the negative.

Mr. Biser, moved to amend said 5th section, by striking out in the 19th line, the words “five hundred ;”

Mr. Brent, of Balt. city, moved to amend said section by striking out the words “two thousand five hundred,” and inserting in lieu thereof “three thousand ;”

The question was first put on the motion of Mr. Biser, to strike out “five hundred ;”

Mr. Biser, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Dalrymple, Bell, Sherwood, of Talbot, Colston, John Dennis, Miller, Dirickson, McMaster, Fooks Jacobs, Shriver, Gaither, Biser, Sappington, Stephenson, Nelson, Stewart of Caroline, Hardcastle, Sherwood, of Balt. city, Fiery, John Newcomer, Harbine, Slicer, Fitzpatrick, Smith, Parke and Shower—28.

NEGATIVE—Messrs. Ricaud, Pres’t, pro tem., Morgan, Lee, Chambers, of Kent, Mitchell, Kent, Sellman, Weems, Sollers, Brent, of Charles, Howard, Buchanan, Welch, Ridgely, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Annan, McHenry, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Schley, Neill, Davis, Anderson, Weber, Hollyday and Brown—41.

So the Convention refused to strike out.

The question then recurred upon the amendment offered by Mr. Brent, of Balt. city, to strike out “two thousand five hundred,” and insert “three thousand ;”

Mr. Bowie, moved for a division of the question upon striking out.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Kent, Dalrymple, Sollers, Brent, of Charles, Merrick, Crisfield, Gwinn and Brent, of Balt. city—9.

NEGATIVE—Messrs. Ricaud, Pr’t, p. t., Lee, Mitchell, Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood,

of Talbot, Colston, John Dennis, Dashiell, Hicks, Hodson, Goldsborough Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Fooks, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Stewart, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—60.

So the Convention refused to strike out.

Mr. Brent, of Balt. city, then moved to amend said 5th section by inserting after the word "dollars," in the 19th line, these words "except the Judge from the city of Baltimore, whose salary shall be three thousand dollars ;"

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Crisfield, Grason, George, Gwinn and Brent, of Balt. city—5.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Mitchell, Donaldson, Kent, Sellman, Sollers, Brent, of Charles, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Spencer, Wright, Dirickson, McMaster, Fooks, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Stewart, of Caroline, Hardcastle, Stewart, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—63.

So the amendment was rejected.

On motion of Mr. Brown,

Said section was amended by inserting after the word "be," in the 19th line, the words "increased or ;"

On motion of Mr. Bowie,

Said 5th section was further amended by adding at the end thereof the following :

"And no fees or perquisites of any kind shall be allowed by law to any of said judges ;"

On motion of Mr. Bowie,

Said section was further amended by striking out in the 13th line the word "misdemeanor," and inserting "misbehaviour," and in the 14th line by striking out these words "and such other causes as may be prescribed by law ;"

Mr. Sollers, moved further to amend said section by striking out in the 14th line, these words "by presentment of a grand jury and conviction of a petit jury of the county in which he may reside ;"

Determined in the negative.

Mr. Jacobs, moved to amend said 5th section by striking out in the 3rd and 4th lines, these words "from among those learned in the law, having been admitted to practice the law in this State ;"

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Mr. Dirickson—1.

NEGATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Lee, Mitchell, Wells, Kent, Sellman, Brent, of Charles, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—67.

So the amendment was rejected.

Mr. Spencer, moved to reconsider the vote of the Convention on the amendment offered by Mr. Brown, and adopted by the Convention, inserting after the word "be," in the 19th line, the words "increase or ;"

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Pres't, p. t., Bowie, Spencer, Grason and Hollyday—5.

NEGATIVE—Messrs. Morgan, Lee, Mitchell, Wells, Sellman, Sollers, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Tuck, Sprigg, Bowling, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—63.

So the Convention refused to reconsider their vote.

The said 5th section having been read through as amended,

Mr. Wells, moved the question on the adoption of the same be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Pres't, pro tem., Morgan, Mitchell, Brent of Charles, Merrick, Howard, Buchanan, Bell, Ridgely, Sherwood, of Talbot, Colston, Dashiell, Miller, Bowie, Tuck, Spencer, George, Wright, Dirickson, McMaster, Thomas,

Shriver, Gaither, Biser, Annan, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—45.

NEGATIVE—Messrs. Lee, Donaldson, Wells, Kent, Sellman, Weems, John Dennis, Crisfield, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, Bowling, Fooks, Jacobs, Sappington, Stephenson, Davis, Waters and Smith—20.

So the section was adopted.

On motion of Mr. Bowie,

The 6th section of said report was stricken out.

On motion of Mr. Bowie,

The 7th section was amended by striking out in the 5th line thereof the word "two," and by striking out after the word "Court," in the 6th line, the word "the," in the 8th line, and inserting in lieu thereof these words, "so that by reason thereof, no judgment can be rendered in said court;"

Mr. Howard, moved further to amend said section by striking out in the 2nd, 3d and 4th lines, these words "or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law ;"

Determined in the negative.

The said 7th section having been read through as amended was adopted.

The 8th section was then read.

On motion of Mr. Bowie,

Said section was amended by striking out in the 3rd and 4th lines, these words, "the style of all laws shall run thus: Be it enacted by the General Assembly of Maryland," and insert in lieu thereof, the word "and," and after the word "grants," insert "shall run ;"

The said 8th section was then adopted as amended.

Mr. Bowie, moved the Convention take up for consideration the 2nd, 3d and 4th sections of the report which had been passed over informally ;

Determined in the negative.

The 9th section was then read.

Mr. Crisfield, moved to amend said 9th section by striking out in the 1st line thereof, after the words "there shall be," to the end of said section, and inserting in lieu thereof the following :

"A division of this State into eight judicial districts, in manner and form following, to wit: Saint Mary's, Charles and Prince George's counties, shall be the first district; Anne Arundel, Howard, Calvert and Montgomery counties, shall be the second district; Frederick and Carroll counties, shall be the third district; Washington and Allegany counties,

shall be the fourth district ; Baltimore city shall be the fifth district; Baltimore, Harford and Cecil counties, shall be the sixth district; Kent, Queen Anne's Talbot and Caroline counties, shall be the seventh district; and Dorchester, Somerset and Worcester counties, shall be the eight district; and there shall be elected as herein directed, one person, having the qualifications hereinafter prescribed, for each of the said judicial districts, except the fifth, to be judge thereof, the said judges shall be styled district judges, and shall respectively hold a term of their courts at least twice in each year or oftener, if required by law, in each county, composing their respective districts; and the said courts shall be called district courts for counties in which it may be held; and shall have, hold and exercise, in the several counties of this State, all and every, the powers, authorities and jurisdictions which the county courts of this State now have, hold and exercise, or which shall hereafter be prescribed by laws made pursuant to this constitution, and the said judges in their respective districts, shall have, use and exercise all the powers authorities and jurisdiction which the Chancellor of Maryland as a judge in equity now has, uses and exercises, and the said judges shall also be judges of the Orphans' courts of the several counties composing their respective districts, and shall have, hold and exercise all and every the powers, authorities and jurisdiction which the Orphans' courts of this State now have, hold and exercise, or which may hereafter, be conferred by law.

The Judges of the several judicial Districts shall be citizens of the United States, and shall have resided five years in this State, and two years in the judicial district for which they may be respectively elected, next before the time of election, and shall reside therein while they continue to act as judges, they shall be selected from among those, who, having the other qualifications herein prescribed, are most distinguished for integrity, wisdom and sound legal knowledge, and elected by the qualified voters of the said districts, and shall hold for the term of ten years, or until they shall have attained the age of seventy years, removable for misbehaviour, on conviction in a court of law, or by the Governor, upon the address of the General Assembly, provided that two-thirds of the members of each House shall concur in such address; and the said judges shall each receive a salary of twenty-five hundred dollars per annum, and the same shall not be diminished during the time of their continuance in office; and no judge of any court in this State who has a salary fixed by law shall receive any perquisite, fee or reward in addition thereto, for the performance of any judicial duty.

Which was read.

And after debate thereon ;

At 3 o'clock, P. M.,

On motion of Mr. Mitchell,

The Convention then adjourned until to-morrow morning 9 o'clock.

THURSDAY, April 24th, 1851.

The Convention met,

Mr. Chapman, the Hon. President, appeared in the Convention and resumed the Chair.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Jacobs, moved to reconsider the vote of the Convention on the amendment offered by him on yesterday to the 5th section of the report of the committee on the Judiciary, and to be found on page 629 of Journal.

Determined in the affirmative

Mr. Jacobs, then moved to amend said 5th section by striking out in the 3rd and fourth lines, these words "from among those learned in the law, having been admitted to practice the law in this State, at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district."

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—None.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Kent, Randall, Sellman, Weems, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, Colston, John Dennis Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Miller, Bowie, Tuck, Sprigg, Spencer, Grason, George, Wright, Dirickson, McHaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Thawley, Stewart, of Caroline, Hardeastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Ege, Shower and Brown—75.

So the amendment was rejected.

Mr. Shriver, presented two petitions of sundry citizens of the State in relation to the license system.

Which were read, and severally

Referred to the select committee appointed on that subject.

On motion of Mr. Biser,

The Convention took up for consideration, the motion made by him on the 18th inst., to reconsider the vote of the Convention upon the proviso submitted by Mr. Brent, of Balt. city, to the 43rd section of the report of the committee on the Legislative Department.

On motion of Mr. Biser,

Said motion was postponed until Tuesday next.

Mr. Tuck, gave notice that when the report submitted by him on the 18th inst., respecting the appointment, tenure of office, duties and compensation of all civil officers, not embraced in the duties of other standing committees, came up for consideration, he should offer the following amendments, which he desired to be entered upon the record.

"There shall be a commissioner of the Land Office elected by the qualified voters of the State, at the first general election of Delegates to the Assembly after the ratification of this constitution; who shall hold his office for the term of six years from the first day of January next after his election. The returns of said election shall be made to the Governor, and in the event of a tie between any two or more candidates, the Governor shall direct a new election to be held by writs to the several sheriffs, who shall hold said election after at least twenty days notice, exclusive of the day of election.

The said Commissioner shall sit as judge of the Land Office, and receive therefor the sum of hundred dollars per annum, to be paid out of the State Treasury. He shall also perform the duties of the Register of the Land Office, and be entitled to receive therefor the fees now chargeable in said office; and he shall also perform the duties of Examiner General, and be entitled to receive therefor the fees now chargeable by said office.

The office of Register of the Land office and Examiner General shall be abolished from and after the election and qualification of the commissioner of the Land office.

All offices, by Executive appointment, for the weighing, gauging, measuring, culling or inspecting any merchandise, produce, manufacture or commodity whatever, except Tobacco, Live Stock, Hay and Straw, shall be abolished after the first day of January next; and no such office shall thereafter be created by law; but nothing herein contained shall abrogate any office created for the purpose of protecting the public health, or the interests of the State in its property, revenue, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter. And it shall be the duty of the Legislature at its first session under this constitution, and from time to time thereafter, to pass such laws as may be deemed necessary or expedient, for licensing persons to weigh, guage, measure, cull or inspect any merchandise, produce, manufacture or commodity whatever; except Tobacco, Live Stock, Hay and Straw."

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday, being on the amendment offered by Mr. Crisfield, to the 9th section of said report;

Mr. Bowie, moved as a substitute for said amendment and section, the following :

“Section 9. There shall be a county court in each county of the State, and for this purpose the State shall be divided into thirteen inferior judicial circuits, of which Allegany county shall be the first, Washington county the second, Frederick county the third, Baltimore county the fourth, Prince George’s county the fifth, Carroll and Harford counties the sixth, Montgomery and Howard counties the seventh, Calvert and Anne Arundel counties the eighth, Charles and St. Mary’s counties the ninth, Cecil and Kent counties the tenth, Queen Anne’s and Caroline counties the eleventh, Dorchester and Talbot counties the twelfth, and Worcester and Somerset the thirteenth; and one person from among those learned in the law, having been admitted to practice the law in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years, at the time of his election, and a resident of the said judicial circuit, shall be elected from each of said circuits by a plurality vote of the legal and qualified voters therein, as a Judge in and for the said judicial circuit, who shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto, until he shall have attained the age of seventy years, and not after; subject to removal for incompetency, wilful neglect of duty, misbehaviour in office, by presentment of a grand jury and conviction of a petit jury of the county in which he may reside, or by the Governor, upon the address of the General Assembly, two-thirds of the members of each House concurring in such address. The salaries of the judges of the said Judicial circuits shall be two thousand dollars annually to each, and shall not be increased or diminished during their continuance in office. They shall reside respectively in the district from which they were elected, and shall hold in each and every year, at such times and places as may be prescribed by law, and attend at the Court House of each county in said district, as often as the Legislature may prescribe for the transaction and dispatch of Judicial business ;”

Which was read.

Mr. Thomas, moved to postpone the consideration of the 9th section and amendments and take up the 10th section of said report ;

Determined in the affirmative.

The 10th section of said report was then read ;

Mr. Thomas, moved to amend said section by striking out from the word “law” in the 5th line, these words :

“They shall also have exclusive jurisdiction in all matters relating to last wills and testaments, executors and administrators and guardians, within their respective limits, and all and ever other power which the orphans courts of this State now have, or which may be hereafter prescribed by law ;”

Mr. Weems, moved to rescind the order adopted on Friday last, limiting the debate on the report of the Judiciary to 12 o'clock this day ;

Mr. Buchanan, being in the chair, ruled the motion to be out of order.

Mr. Weems, then moved to postpone the order of the day and amendment pending ;

Mr. Weems, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Randall, Kent, Weems, Dalrymple, Sollers, John Dennis, Dashiell, Goldsborough, Eccleston, Sprigg, Spencer and Wright—13.

NEGATIVE—Messrs. Chapman, Pres't, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Sellman, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood of Talbot, Colston, Crisfield, Hicks, Hodson, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Grason, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Ege, Shower and Brown—72.

So the Convention refused to postpone.

The question then recurred and was put on the amendment as offered by Mr. Thomas, to the 10th section of the report ;

On motion of Mr. Brown,

The question was taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE —Messrs. Chapman, Pres't, Morgan, Hopewell, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Sollers, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood of Talbot, Colston, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, McLane, Bowie, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Slicer, Smith, Shower and Brown—59.

NEGATIVE—Messrs. Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Crisfield, McCullough, Tuck, Sprigg, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Stewart, of Caroline, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke and Ege—25.

So the amendment was adopted.

The said 10th section was then adopted as amended.

On motion of Mr. Thomas,

The Convention then resumed the consideration of the 9th section of the report ;

The question was then put on the substitute as offered by Mr. Bowie, for said 9th section of said report and amendment offered by Mr. Crisfield ;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Mitchell, Weems, Buchanan, Welch, Chandler, Ridgely, McCullough, Miller, McLane, Bowie, Tuck, Shriver, Johnson, Biser, Michael Newcomer, Hollyday, Fitzpatrick and Smith—21.

NEGATIVE—Messrs. Chapman, Pres't, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Sellman, Dalrymple, Brent of Charles, Merrick, Howard, Bell, Sherwood of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Spigg, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Slicer, Parke, Ege, Shower and Brown—64.

So the Convention refused to accept the substitute.

The question then recurred upon the adoption of the amendment as offered by Mr. Crisfield ;

Mr. Crisfield, with the consent of the Convention, so modified his amendment as to insert the word "circuit" in the place of the word "district," wherever it occurs, and also by striking out all that part of said amendment which relates to the judges of the Orphans' courts of the several counties.

Mr. Thomas, moved to amend the 9th section of said report by striking out in the 17th line thereof the word "two," and inserting in lieu thereof the word "four;"

Mr. Thomas, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Wells, Randall, Kent, Buchanan, McLane, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Stewart of Caroline, Sherwood of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Smith, Ege and Shower—25.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Sellman, Weems, Dalrymple, Brent of Charles, Howard, Bell, Welch, Chandler, Ridgely, Sherwood of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps,

McCullough, Miller, Bowie, Tuck, Sprigg, Spencer, Grason, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, McHenry, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Brent of Balt. city, Davis, Kilgour, Brewer, Waters, Anderson, Slicer, Fitzpatrick, Parke and Brown—57.

So the amendment was rejected.

The question then recurred upon the amendment as offered by Mr. Crisfield, to said 9th section ;

Mr. Spencer, moved to postpone the consideration of said section ;

Determined in the negative.

Mr. Spencer, then offered as a substitute for said amendment and section, the amendment proposed by him on yesterday, and to be found on page 625 of Journal.

Mr. McMaster, moved to amend the 9th section of the report of the committee, by striking out in the 15th line "two thousand," and inserting in lieu thereof "fifteen hundred;"

Mr. McMaster, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Mitchell, Sellman, Bell, Sherwood of Talbot, John Dennis, Dashiell, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Thawley, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Anderson, Weber, Slicer, Fitzpatrick, Smith, Parke Ege, Shower and Brown—35.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Donaldson, Wells, Randall, Kent, Weems, Dalrymple, Sollers, Brent of Charles, Jenifer, Howard, Buchanan, Welch, Chandler, Ridgely, Colston, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, Grason, George, Wright, Johnson, Sappington, Stephenson, McHenry, Nelson, Gwinn, Brent, of Baltimore city, Ware, Davis, Kilgour, Brewer, Waters and Hollyday—46.

So the amendment was rejected.

Mr. Miller, moved to amend said 9th section of the report by striking out in the 7th line the word "ten," and inserting in lieu thereof "six;"

Mr. Bowie, moved for a division of the question, which was put on striking out;

Mr. Fitzpatrick, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Miller, McLane, Dirickson, Thomas, Shriver, Johnson, Gaither, Biser, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood of Balt. city, Ware, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Slicer, Fitzpatrick, Parke, Ege, Shower and Brown—26.

NEGATIVE—Messrs. Chapman, President, Morgan, Hopewell,

Ricaud, Lee, Mitchell, Donaldson, Wells, Randall, Seftman, Weems, Dalrymple, Sollers, Brent, of Charles, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Bowie, Tuck, Sprigg, Spencer, Grason, George, Wright, McMaster, Hearn, Fooks, Jacobs, Annan, Sappington, Stephenson, Nelson, Thawley, Schley, Fiery, Davis, Kilgour, Waters, Hollyday and Smith—56.

So the Convention refused to strike out.

The question then recurred upon the adoption of the substitute as offered by Mr. Spencer, for the 9th section of the report, and the amendment as offered by Mr. Crisfield ;

Mr. Ridgely, asked for a division of the question on said substitute, down to the word "district," inclusive in the 11th line ;

Mr. Ridgely, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Colston, Spencer, George, Wright, Johnson, Thawley, Stewart of Caroline, Harcastle, Hollyday, Parke and Ege—17.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Mitchell, Donaldson, Wells, Randall, Sellman, Dalrymple, Sollers, Brent of Charles, Merrick, Jenifer, Sherwood of Talbot, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, Grason, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Gwinn, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Shower and Brown—62.

So the 1st branch of said substitute was rejected.

Mr. Spencer, then withdrew the last branch of his amendment.

Mr. Brent of Balt. city, then offered as a substitute for said 9th section of the report of the committee and amendment offered by Crisfield, the following :

"There shall be a division of the State into seven judicial districts, in manner and form following, to wit:—St. Mary's, Charles and Prince George's shall be the first district; Anne Arundel, Calvert, Montgomery and Howard shall be the second district; Allegany, Washington and Frederick shall be the third; Carroll, Baltimore county and Harford shall be the fourth; Baltimore city shall be the fifth; Cecil, Kent, Queen Anne's and Talbot shall be the sixth; Caroline, Dorchester, Somerset and Worcester shall be the seventh; and there shall be elected as hereinafter directed, one person having the qualifications hereinafter prescribed, for each of the said judicial districts, the said judges shall be styled superior judges, and shall respectively hold a term of their courts at least

twice in each year or oftener if required by law, in each county composing their respective districts, and the said courts shall be called superior courts for counties in which it may be held, and shall have, hold and exercise, in the several counties of this State all and every the powers, authorities and jurisdictions which the county courts of this State now have, hold and exercise, or which shall hereafter be prescribed by laws made pursuant to this constitution, and the said judges in their respective districts, shall have, use and exercise all the powers, authorities and jurisdiction which the Chancellor of Maryland, as a judge in equity now has, uses and exercises; and the salary of said judge shall be two thousand dollars annually, which shall not be diminished during his continuance in office."

Which was read.

Mr. Bowie, moved for a division of the question on said substitute down to the word "seventh," inclusive, in the 9th line ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Mitchell, Weems, Brent, of Charles, Bell, Welch, Chandler, Sherwood, of Talbot, Colston, Eccleston, Phelps, Tuck, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Michael Newcomer, Brewer, Parke, Shower and Brown—36.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Sellman, Dalrymple, Sollers, Merrick, Howard, Buchanan, Ridgely, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, McCullough, Miller, McLane, Bowie, Sprigg, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stewart, of Caroline, Hardcastle, Schley, Harbine, Davis, Kilgour, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith and Ege—47.

So the 1st branch of said substitute was rejected.

Mr. Brent of Balt. city, then withdrew the second branch of his substitute.

The question again recurred upon the amendment as offered by Mr. Crisfield, to the 9th section of the report ;

Mr. Shriver, moved to amend said amendment by striking out after the words "salary of," the words "twenty-five hundred," and inserting in lieu thereof "two thousand ;"

Which amendment Mr. Crisfield accepted.

The question again recurred upon the adoption of the amendment as amended ;

Mr. Bowie, moved for a division of the question upon said amendment, down to the word "district," inclusive ;

Mr. Shriver, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Kent, Weems, Dalrymple, Sollers, Brent of Charles, Sherwood of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Stephenson, McHerry, Thawley, Hardcastle, Gwinn, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Smith and Brown—61.

NEGATIVE—Messrs. Wells, Randall, Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Miller, McLane, Bowie, Sappington, Nelson, Stewart of Caroline, Sherwood of Balt. city, Kilgour, Anderson, Parke, Ege and Shower—21.

So the 1st branch of said amendment was adopted.

The question then recurred upon the adoption of the second branch of said amendment.

On motion of Mr. Schley,

The second branch of said amendment was amended by striking out in 12th line these words, "having the qualification herein-after prescribed," and inserting in lieu thereof the following, "from among those learned in the law, having been admitted to practice the law in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district," and by striking out in 38th line, after the word "knowledge," the word "and," and inserting the words "shall be;"

Mr. Johnson, moved further to amend said amendment by striking out in the 15th line the word "twice," and inserting in lieu thereof "thrice;"

Mr. Johnson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Wells, Randall, Buchanan, McCullough, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Gwinn, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Ege and Shower—23.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Kent, Sellman, Weems, Dalrymple, Sollers, Brent, of Charles, Merrick, Howard, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, Colston, John Dennis, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, McHenry,

Nelson, Thawley, Stewart, of Caroline, Hardcastle, Davis, Kilgour, Brewer, Waters, Anderson, Slicer, Smith, Parke and Brown—59.

So the amendment was rejected.

Mr. Jenifer, gave notice of his intention, when the substitute offered by him came up for consideration, he should offer as an additional section to come in after section 11th, the following, which he desired should be entered on the record :

“Sec. 11. The Judges of the several inferior judicial districts shall be elected by a plurality vote of the legal and pualified voters residing therein, and all elections of judges and other officers provided for under this article of the Constitution shall be certified and the returns made by the clerks of the respective counties, to the Governor, who shall issue commissions to the different persons for the offices to which they may have been respectively elected.”

On motion of Mr. Phelps,

The Convention then adjourned until to-morrow morning 9 o'clock.

FRIDAY, April 25th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

On motion of Mr. McCullough,

The reading of the Journal of proceedings was dispensed with
Mr. Stephenson, submitted the following resolution :

Resolved, That this Convention will adjourn *sine die* on the 10th of May, proximo, unless adjourned at an earlier day, in consequence of having finished the business for which it was called.

Which was read.

Mr. Thomas, moved to amend said resolution by striking out “tenth,” and inserting in lieu thereof “fifth.”

Which amendment Mr. Stephenson accepted.

The said resolution was then adopted as amended.

Mr. Crisfield, gave notice that on Monday next, he should move to reconsider the vote of the Convention on the article adopted in the report of the committee on the Legislative Department abolishing imprisonment for debt.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday, being on the 2nd branch of the amendment offered by Mr. Crisfield, to the 9th section of the said report.

Mr. Ridgely, moved to amend the 1st branch of said amendment adopted on yesterday, by adding at the end thereof the following proviso :

“Provided, nevertheless, that Baltimore county court and Orphans’ court may hold its sittings, within the limits of the city of Baltimore, until provision shall be made by law for the location of a county seat within the limits of said county proper, and the erection of a court house and all other appropriate buildings for the convenient administration of justice in said county.”

Determined in the affirmative.

The question then recurred on the second branch of the amendment as offered by Mr. Crisfield.

Mr. Harbine, moved to amend said 2nd branch of the amendment, by striking out after the words “term of,” the word “ten,” and inserting in lieu thereof “eight;”

Mr. Bowie, moved for a division of the question upon striking out.

Mr. John Newcomer, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Chandler, Sherwood, of Talbot, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Dirickson, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—37.

NEGATIVE—Messrs. Chapman, President, Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Merrick, Ridgely, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, Bowie, McCubbin, Grason, George, Wright, McMaster, Hearn, Fooks, Jacobs, Anuan, Thawley, Schief, Fiery, Neill, Davis, Kilgour, Waters, Hollyday and Smith—41.

So the Convention refused to strike out.

Mr. Spencer, moved to reconsider the vote of the Convention on the first branch of the amendment offered by Mr. Crisfield, to the 9th section of the report, and adopted on yesterday ;

Mr. Spencer, proceeded to address the Convention on the motion to reconsider ; when

Mr. Brown, rose to the following point of order :

"That no member has a right to speak unless he submits a proposition or amendment, and then he is limited under the order adopted on the 18th inst., to ten minutes."

The Chair decided that Mr. Spencer having made a motion to reconsider, it was competent for him under the order adopted on the 18th inst., to speak ten minutes on the proposition;

Mr. Spencer, withdrew the motion to reconsider;

Mr. Buchanan, renewed the motion to reconsider;

The question was then put,

"Will the Convention reconsider their vote on the first branch of said amendment?"

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Randall, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, John Dennis, Chambers, of Cecil, Miller, McLaue, Bowie, Spencer, Wright, Fooks, Thawley, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Brewer, Anderson, Weber, Hollyday, Parke, Shower and Brown—32.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Wells, Kent, Weems, Dalrymple, Merrick, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, McCubbin, Grason, George, Dirickson, McMaster, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Slicer, Fitzpatrick and Smith—41.

So the Convention refused to reconsider their vote on said amendment.

Mr. Howard, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the order adopted on the 18th inst., limiting the debate on the report of the Judiciary committee to ten minutes, for the purpose of amending the same.

The question then recurred upon the adoption of the 2nd branch of the amendment as offered by Mr. Crisfield;

Mr. Thomas, moved to amend said amendment by striking out the word "thirty" before the word "years," and inserting in lieu thereof the word "twenty five;"

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Wells, Sellman, Merrick, Howard, Bell, Welch, Chandler, Chambers, of Cecil, McCullough, Miller, McLane, Grason, George, Dirickson, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Gwinn, Brent, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Weber, Fitzpatrick and Brown—33.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Randall, Kent, Weems, Dalrymple, Buchanan, Ridgely, Sherwood, of Talbot, John Dennis, Dashiell, Hodson, Eccleston, Phelps, Bowie, McCubbin, Spencer, Wright, McMaster, Hearn, Fooks, Jacobs, McHenry, Magraw, Thawley, Schley, Neill, Michael Newcomer, Davis, Kilgour, Brewer, Anderson, Hollyday, Slicer, Smith, Parke and Shower—41.

So the amendment was rejected.

Mr. Bowie, then moved to amend said 2nd branch of the amendment by striking out from the word "constitution" in 22nd line, to end of the paragraph ;

Determined in the negative.

Mr. Crisfield, moved to amend said 2nd branch of the amendment, by adding at the end thereof the following :

"And the said judges shall also be judges of the Orphans' courts of the several counties composing their respective districts, and shall have, hold and exercise all and every the powers, authorities and jurisdiction which the Orphans' courts of this State now have, hold and exercise, or which may hereafter be conferred by law;"

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Mitchell, Buchanan, Welch, Crisfield, Chambers, of Cecil, McLane, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Magraw, Brewer, Weber and Fitzpatrick—18.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Merrick, Jenifer, Howard, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, Dashiell, Hodson, Eccleston, Phelps, McCullough, Miller, Bowie, Sprigg, McCubbin, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Hollyday, Slicer, Smith, Parke, Shower and Brown—61.

So the amendment was rejected.

The question again recurred on the adoption of the 2nd branch of the amendment as offered by Mr. Crisfield.

Mr. Ridgely, moved to amend the 1st branch of the amendment by striking out from the words "to wit" in the 2nd line, to the word "district" in the 11th line inclusive, and insert in lieu thereof the following :

Allegany and Washington counties the first ; Frederick the second ; Baltimore county the third ; Harford and Cecil counties the fourth ; Carroll and Howard the fifth ; Anne Arundel and Montgomery the sixth ; Prince George's and Calvert the seventh ; Saint

Mary's and Charles the eighth ; Kent, Queen Anne's and Caroline the ninth ; Talbot and Dorchester the tenth ; Somerset and Worcester the eleventh ; and Baltimore city the twelfth.

Which was read.

Mr. Crisfield rose to a point of order, that the Convention having refused to strike out the words in the 1st branch of the amendment which had been adopted, that the amendment offered by Mr. Ridgely was not in order.

Mr. Tuck (being in the chair) ruled the amendment to be out of order.

The 2nd branch of said amendment was then adopted.

Mr. Spencer moved to reconsider the vote of the Convention on the 2nd branch of said amendment, for the purpose of inserting the following :

“And in each of the said county court districts, the Chancery and the Orphans' court shall be incorporated into one court, and the person who shall be elected as the Judge of the county courts, within the said districts respectively, shall be the Judge of the said Chancery and Orphans' court, and the said Chancery and Orphans' courts shall have, hold and exercise in the several counties of this State, all and every the powers, authorities and jurisdictions which the said Chancery and Orphans' courts of this State now have, use and exercise, and which shall hereafter be prescribed by law, and the Judge thereof shall have and use all other powers and authorities which the chancellor and justices of the Orphans' courts of this State now have, by virtue of law, or which may hereafter be prescribed by law, and the sessions of the said Chancery and Orphans' courts shall be held in the several counties in this State, at the time and place where the regular terms of the said Orphans' courts are now held, and at such other times and places as may be fixed and appointed by the Judge of the said district, or may be prescribed by law.”

Which was read.

Mr. Gwinn moved to lay the motion to reconsider on the table ;

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Kent, Weems, Dalrymple, Merrick, Howard, Bell, Welch, Chandler, Lloyd, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCubbin, Grason, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Brent, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Hollyday, Slicer, Smith and Brown—50.

NEGATIVE—Messrs. Chapman, Pres't, Wells, Randall, Sellman, Buchanan, Ridgely, Sherwood, of Talbot, McCullough,

Miller, McLane, Bowie, Tuck, Sprigg, Spencer, George, Wright, Dirickson, McMaster, Hearn, Fooks, Magraw, Sherwood of Baltimore, Brewer, Anderson, Fitzpatrick and Parke—26.

So the motion to reconsider was laid on the table.

The question then recurred upon the adoption of the 9th section as amended;

On motion of Mr. Bowie,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Lee, Mitchell, Merrick, Lloyd, Sherwood, of Talbot, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, Sprigg, McCubbin, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Gwinn, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Brown—52.

NEGATIVE—Messrs. Chambers, of Kent, Wells, Randall, Kent, Sellman, Weems, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, John Dennis, Miller, McLane, Bowie, Tuck, Spencer, Stephenson, Thawley, Davis, Waters and Anderson—24.

So the 9th section as amended was adopted.

On motion of Mr. Bowie,

The Convention reconsidered the 10th section of said report.

On the question being put,

"Will the Convention adopt said section?" it was

Determined in the negative.

Mr. Jenifer, then moved to insert as the 10th section of said report the following:

Sec. There shall be a Chancellor elected for each of the inferior Judicial districts, whose term of office, qualifications and salary shall be the same as herein provided for the Judges of the inferior judicial districts, and who shall be elected in the same manner, and removable for same causes. The Chancellor shall have and exercise the equity jurisdiction now exercised by the county courts sitting as courts of equity, in the several counties for which he shall have been elected. He shall hold his courts at such time and place as are now prescribed, or may hereafter be provided for by law. He shall have jurisdiction, in all applications for the benefit of the insolvent laws within his district of this State, and the supervision and control of the trustees thereof.

The Chancellor elected for each of the inferior judicial districts shall be Judge of the Orphans' Court of each county in their respective districts, who shall have all the powers now vested in the Orphans' Courts of the several counties of this State, subject to such regulations as the Legislature may hereafter establish. It

shall be the duty of the Chancellor or Judge of the Orphans' court to attend at least six times in every, year, and oftener when the business of the county may require it, to examine into and discharge the duties as Judge of the Orphan's court for such county in his district, as are now or hereafter may be provided by law. He shall examine into and revise the proceedings of the Register of Wills of each county, establish such rules and orders, not inconsistent with the law, as may tend to facilitate the business of the court. There shall be a Register of Wills for the Orphans' court of each county in the State, who shall be elected by a plurality vote of the legal voters of the county, who shall discharge the duties now or which may hereafter be required by law, whose term of office, qualifications, manner of election, and removal shall be the same as those herein provided for the Clerks to the courts of the said counties. He shall also discharge the duties of Register in Chancery, in such manner as may be required by law. The Legislature shall provide a suitable annual salary in lieu of fees and perquisites as at present exists.

Which was read.

Mr. Michael Newcomer, offered as a substitute for said amendment, the following:

"The qualified voters of the city of Baltimore and of the several counties of the State shall severally, by a plurality vote, on the first Wednesday of November eighteen hundred and fifty-one, and on the same day of the same month in every fourth year forever thereafter, elect three men to be Judges of the orphans' court of said city and counties respectively, who shall be citizens of the State of Maryland and citizens of the city or county for which they are severally elected at the time of their election; and who shall have power to take probate of wills, to grant letters testamentary, to appoint administrators, guardians and collectors, to superintend the distribution of estates intestate, to secure the rights of distributees, orphans and legatees, and to administer justice relative to the affairs of deceased persons, according to the laws now in force, giving jurisdiction to the Orphans' courts in this State, or which may hereafter be passed by the General Assembly of Maryland, touching their powers and jurisdiction;"

Which was read,

Mr. Shriver, moved to amend said substitute by striking out the words "three men," and inserting in lieu thereof "one man;"

On motion of Mr. Shriver,

The yeas and nays were ordered and appeared as follows;"

AFFIRMATIVE—Messrs. Chapman, President, Ricard, Lee, Chambers, of Kent, Mitchell, Sellman, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Shriver, Johnson, McHenry, Magraw,

Nelson, Thawley, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—52.

NEGATIVE—Messrs. Morgan, Hopewell, Randall, Kent, Weems, Dalrymple, Merrick, Howard, Lloyd, Miller, Grason, George, Fooks, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, Stephenson, Harbine, Michael Newcomer, Davis, Waters and Brown—25.

So the amendment was adopted.

Mr. Grason, moved to reconsider the vote of the Convention just taken on the amendment offered by Mr. Shriver and adopted by the Convention ;

Mr. Weems, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Wells, Randall, Kent, Weems, Merrick, Howard, Chandler, Lloyd, Grason, George, Wright, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Harbine, Michael Newcomer, Davis, Waters and Brown—27.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Ler, Chambers, of Kent, Mitchell, Sellman, Dalrymple, Jenifer, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, John Dennis, Dashiell, Hodson, Eccleston, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Dirnckson, McMaster, Hearn, Shriver, McHenry, Thawley, Gwinn, Brent, of Balt. city, Ware, Schley, Fiery, John Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Shower—45.

So the Convention refused to reconsider.

The question then recurred on the adoption of the substitute as offered by Mr. Michael Newcomer, and amended on the motion of Mr. Shriver :

Mr. Johnson, moved further to amend said substitute by adding at the end thereof, the following :

“And the said judges shall be paid at per diem rate, for the days they are in session, which shall be fixed by the Legislature, and which shall be paid by the said counties and city respectively ;”

Which was read.

Mr. S river, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chambers, of Kent, Mitchell, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Crisfield, Hodson, Eccleston, Phelps, Grason, George, Wright, Jacobs, Thomas, Shriver, Johnson, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Gwinn, Brent, of Balt. city, Ware, Fiery, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower and Brown—41.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell,

Ricaud, Lee, Wells, Randall, Kent, Weems, Dalrymple, Merrick, Jenifer, Sherwood of Talbot, John Dennis, Dashiell, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Dirickson, McMaster, Hearn, Fooks, Gaither, Thawley, Sherwood, of Balt. city, Schley, John Newcomer, Michael Newcomer, Davis, Kilgour, Waters and Anderson—35.

So the amendment was adopted.

The question again recurred on the adoption of the substitute as amended.

Mr. Grason moved to amend said substitute by striking out the whole of that part offered by Mr. Michael Newcomer, and insert the following :

“There shall be an Orphans’ Court in every county of the State and in the city of Baltimore, which shall perform the duties of the present Orphans’ Courts and such other duties as may be prescribed by law, and shall consist of one member, to be elected by the people at the same time, in the same manner, and for the same term, and to have the same age, residence and citizenship as the delegates to the General Assembly;”

Which was read.

Mr. Ricaud, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Sellman, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—36.

NEGATIVE—Messrs. Chapman, Pres’t, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Weems, Dalrymple, Merrick, Jenifer, Howard, Buchanan, Bell, Chandler, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Thomas, Annan, Thawley, Schley, John Newcomer, Michael Newcomer, Davis, Waters, Anderson and Smith—41.

So the amendment was rejected.

The question again recurred upon the adoption of the substitute as offered by Mr. Michael Newcomer, as amended ;

Mr. John Dennis, offered as a substitute for said amendment and substitute the following :

“There shall be one Judge in each county and in the city of Baltimore, whose term in office shall continue for four years with a compensation to be regulated by law, to be elected by a plurality of the qualified voters of the county and the city of Baltimore respectively, and who shall be styled Judge of the Orphans’ court, and shall have, hold and exercise all and every the powers, authorities and jurisdiction which the Orphans’ courts of this State now

have, hold and exercise, or which hereafter may be conferred by law, and the said Judges shall be paid by the said counties and city respectively ;”

Which was read.

Mr. Dashiell, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson Sellman, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, Spencer, McMaster, Jacobs, Magraw, Gwinn, Brent, of Balt. city, Hollyday, Smith and Parke—23

NEGATIVE—Messrs. Lee, Wells, Randall, Kent, Weems, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Grason, George, Wright, Dirickson, Hearn, Fooks, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Schley, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Anderson, Weber, Slicer, Fitzpatrick and Brown—50.

So the substitute was rejected.

The question again recurred on the adoption of the substitute as offered by Mr. Michael Newcomer and amended ;

Mr. Brown, moved to amend said substitute by adding at the end thereof, the following :

“And the Legislature shall fix by law the number of meetings of said courts to be held in each year in the city of Baltimore, and the several counties of this State respectively, and the time when said meetings shall be held.”

Which was read.

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Weems, Howard, Bell, Chandler, Lloyd, Sherwood, of Talbot, Sprigg, McCubbin, Jacobs, Stephenson, Nelson, Fiery, Michael Newcomer, Davis, Brewer, Waters, Parke, Shower and Brown—22.

NEGATIVE—Messrs. Chapman, Pres’t, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Dalrymple, Merrick, Jenifer, Buchanan, Ridgely, John Dennis, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, Miller, McLane, Bowie, Tuck, Spencer, George, Wright, Dirickson, McMaster, Fooks, Thomas, Johnson, Biser, Annan, Sappington, McHenry, Thawley, Gwinn, Sherwood, of Balt. city, Schley, John Newcomer, Harbine, Anderson, Weber, Hollyday, Slicer, Fitzpatrick and Smith—49.

So the amendment was rejected.

Mr. Bowie, then offered as a substitute for said amendment and substitute, as amended, the following :

“There shall be an Orphans’ Court in each county of the State to consist of one Judge, who shall be elected by a plurality vote

of the qualified voters of the said counties. He shall have, use and exercise within the limits of the said counties respectively the jurisdiction which the Judges of the orphans' courts of this State now have, and also the same Chancery jurisdiction which the chancellor of this State or the present county courts as courts of equity now have. He shall hold his office for the term of six years, and shall have the same qualifications as are required for Judges of the county or circuit courts as prescribed by this constitution. His salary shall be twelve hundred dollars per annum, the one-half of which shall be paid by the said counties respectively, and the other half from the State Treasury."

At a quarter past 3 o'clock, P. M.

On motion of Mr. Buchanan,

The Convention then adjourned until to-morrow morning 9 o'clock.

SATURDAY, April 26th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Buchanan, submitted the following resolution :

Resolved, That the Pages of this Convention be entitled to the sum of one dollar and fifty cents, instead of one dollar, as they are good boys.

Which was read.

Mr. Michael Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Ricand, Mitchell, Wells, Dalrymple, Buchanan, Bell, Welch, Ridgely, John Dennis, Crisfield, Hodson, Eccleston, Phelps, Chambers, of Cecil, McCullough, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Fooks, Jacobs, Thomas, Johnson, Biser, Annan, Sappington, Magraw, Gwinn, Schley and Fiery—35.

NEGATIVE—Messrs. Lee, Sellman, Lloyd, Sherwood, of Talbot, Dashiell, Miller, Wright, Dirickson, McMaster, Hearn, Gaither, Thawley, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke and Brown—25.

So the order was adopted.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday, being on the substitute offered by Mr. Bowie, for the amendment offered by Mr. Jenifer, and the substitute as amended offered by Mr. Michael Newcomer;

On motion of Mr. Bowie,

The Convention was called and the Doorkeeper sent for the absent members ;

Mr. Gwinn, moved to suspend further proceedings under the call ;

Determined in the negative.

Mr. Gwinn, after a short time had elapsed, renewed the motion to suspend further proceedings under the call ;

Mr. Sprigg, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chambers, of Kent, Donaldson, Wells, Randall, Kent, Sellman, Weems, Brent, of Charles, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Hodson, Phelps, Chambers, of Cecil, McLane, Spencer, Grason, George, Dirickson, Hearn, Thomas, Johnson, Biser, Annan, Sappington, Thawley, Gwinn, Sherwood, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Fitzpatrick, Parke and Brown—42.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Ricaud, Lee, Mitchell, Dalrymple, John Dennis, Dashiell, Miller, Bowie, Tuck, Sprigg, McCubbin, Wright, McMaster, Fooks, Jacobs, Schley, Kilgour, Brewer, Hollyday and Slicer—23.

So the Convention suspended further proceedings under the call.

Mr. Chambers, of Kent, submitted the following orders :

Ordered, That the committee on Accounts pay to Thos. H. O'Neal, the maker; and C. B. Graham, the lithographer, of a map for the use of this Convention, their respective accounts; provided the whole amount shall not exceed one hundred dollars.

Ordered, also, That the Secretary distribute to each member of the Convention three copies of said map, and one to each officer of the House, and deposite the remaining copies in the library.

Which was twice read and adopted.

Mr. Howard, chairman of the committee on the Militia, submitted the following

REPORT :

Sec. It shall be the duty of the Legislature to pass laws for the enrollment of the militia, to provide for re-districting the State into divisions, brigades, &c., to pass laws for the effectual encouragement of volunteer corps, either by the payment of an annual

sum not exceeding one dollar to every member of a company regularly mustered and reported to the adjutant general, or by some other mode which may induce the formation and continuance of at least one volunteer company in every county, and division in the city of Baltimore.

Which was read.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary

The question pending before the Convention being on the substitute offered by Mr. Bowie, for the amendment offered by Mr. Jeniter, and the substitute as offered by Mr. Michael Newcomer,

Mr. Bowie, with the consent of the Convention, so modified his substitute, as to make the salary of the Judge "one thousand dollars," instead of "twelve hundred dollars," as originally offered;

Mr. Tuck, moved to postpone the consideration of the report and amendments;

Mr. Gwinn moved the previous question;

Mr. Johnson, moved to lay the motion to postpone on the table.

Determined in the affirmative.

Mr. Sappington, moved the previous question;

On motion of Mr. Bowie,

The Convention was called, and the Doorkeeper sent for the absent members;

On motion of Mr. Howard,

Further proceedings under the call was dispensed with.

Mr. Johnson, gave notice of his intention to move to reconsider the vote of the Convention on the amendment adopted to the substitute offered by Mr. Michael Newcomer, on yesterday, striking out "three judges" and substituting "one judge."

The previous question being seconded ;

The question was then put,

"Shall the main question be now put?"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Howard, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Eccleston, Chambers of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, McHenry, Magtaw, Nelson, Thawley, Gwinn, Sherwood, of Balt. city, Ware, Fiery, Neill, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—40.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Ricaud, Lee,

Chambers, of Kent, Donaldson, Wells, Randall, Kent, Sellman, Weems, Dalrymple, Brent of Charles, Buchanan, John Dennis, Dashiell, Hodson, Phelps, Bowie, Tuck, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Johnson, Schley, John Newcomer, Kilgour and Anderson—32.

So the previous question was sustained.

The question was then put,

“Will the Convention accept the substitute as offered by Mr. Bowie, for the amendment proposed by Mr. Jenifer, and the substitute offered therefor by Mr. Michael Newcomer?”

The yeas and nays being ordered and appeared as follows:

AFFIRMATIVE.—Messrs. Chapman, Prest., Morgan, Lee, Dalrymple, Buchanan, Bowie, Tuck, Sprigg, McCubbin, Spencer, Kilgour, Brewer, Anderson and Hollyday—14.

NEGATIVE.—Messrs. Ricaud, Chambers of Kent, Donaldson, Wells, Randall, Kent, Sellman, Weems, Brent of Charles, Howard, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, John Dennis, Crisfield, Hodson, Eccleston, Phelps, Chambers of Cecil, McCullough, Miller, McLane, Grason, George, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—58.

So the Convention refused to accept the substitute.

Mr. Chambers of Kent, gave notice that at the proper time he should move to reconsider the vote of the Convention on yesterday, adopting the 2nd branch of the amendment offered by Mr. Crisfield, to the 9th section of the report.

The question was then put,

“Will the Convention accept the substitute as offered by Mr. Michael Newcomer, and amended on the motions of Messrs. Shriver and Johnson, for the amendment proposed by Mr. Jenifer, as the 10th section of the report?”

Mr. Biser, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE.—Messrs. Ricaud, Sellman, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood of Talbot, Crisfield, Dashiell, Eccleston, Phelps, McCullough, Grason, George, Wright, Dirickson, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Gwinn, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—46.

NEGATIVE.—Messrs. Chapman, Pres't, Morgan, Lee, Chambers of Kent, Donaldson, Wells, Randall, Kent, Dalrymple, Brent of Charles, Howard, Lloyd, John Dennis, Hodson, Chambers,

of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, McMaster, McHenry, Anderson and Hollyday—26.

So the Convention accepted the substitute.

The question then recurred and was put on the adoption of the article as amended ;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Mitchell, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood, of Talbot, James U. Dennis, Crisfield, Dashiell, Eccleston, Phelps, McCullough, Grason, George, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Gwinn, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower and Brown—45.

NEGATIVE—Messrs. Chapman, President, Morgan, Ricaud, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Sellman, Dalrymple, Brent of Charles, Jenifer, Howard, Lloyd, John Dennis, Williams, Hodson, Chambers of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, McHenry, Waters, Anderson and Hollyday—29.

So the article was adopted as the 10th article.

Mr. Ridgely, moved to reconsider the vote of the Convention on the article just adopted, for the purpose of moving to amend the same, by striking out "one judge," and inserting "three judges;"

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Ricaud, Chambers of Kent, Donaldson, Wells, Sellman, Brent of Charles, Jenifer, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, James U. Dennis, Williams, Hodson, Chambers of Cecil, Miller, Grason, George, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Thawley, Fiery, Neill, Harbine, Michael Newcomer, Davis, Waters, Hollyday, Parke and Brown—44.

NEGATIVE—Messrs. Lee, Mitchell, Dalrymple, Welch, Dashiell, Eccleston, Phelps, McCullough, McLane, Bowie, Tuck, McCubbin, Spencer, Wright, Dirickson, Gwinn, Sherwood of Balt. city, Ware, Schley, John Newcomer, Brewer, Anderson, Weber, Slicer, Fitzpatrick and Shower—25.

So the Convention reconsidered their vote on said article.

Mr. Johnson, then moved to reconsider the vote of the Convention on the amendment adopted on yesterday to said article, striking out "three judges" and inserting in lieu thereof "one judge;"

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Ricaud, Wells, Randall, Kent, Sellman, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, James U. Dennis, Williams, Hodson, Chambers, of Cecil, Miller, Grason, George, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Neill, Harbine, Michael Newcomer, Davis, Waters, Hollyday, Parke and Brown—40.

NEGATIVE—Messrs. Lee, Chambers, of Kent, Mitchell, Donaldson, Brent, of Charles, Jenifer, Welch, Dashiell, Eccleston, Phelps, McCullough, McLane, Bowie, McCubbin, Spencer, Wright, Dirickson, McMaster, McHenry, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Brewer, Anderson, Weber, Slicer, Fitzpatrick and Shower—30.

So the Convention reconsidered their vote on said amendment.

The question then recurred on the motion of Mr. Shriver, to strike out the words "three judges" and insert in lieu thereof "one judge;"

Mr. Ridgely, moved for a division of the question, which was put on striking out;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Brent, of Charles, Jenifer, Welch, Crisfield, Dashiell, Hodson, Eccleston, Phelps, McCullough, McLane, Bowie, Spring, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, McHenry, Sherwood, of Balt. city, Schley, John Newcomer, Brewer, Anderson, Weber, Slicer and Fitzpatrick—34.

NEGATIVE—Messrs. Morgan, Randall, Kent, Sellman, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, James U. Dennis, Williams, Chambers, of Cecil, Miller, Grason, George, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Gwinn, Fiery, Neill, Harbine, Michael Newcomer, Davis, Waters, Hollyday, Parke, Shower and Brown—38.

So the Convention refused to strike out.

The question then recurred upon the adoption of the article as the 10th section of the report;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Ricaud, Sellman, Howard, Bell, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Eccleston, Phelps, Chambers, of Cecil, Miller, Grason, George, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Thawley, Gwinn, Sherwood of Balt. city, Schley, Fiery, Neill

Harbine, Michael Newcomer, Davis, Waters, Hollyday, Parke, Shower and Brown—37.

NEGATIVE—Messrs. Chapman, Pres't, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Brent of Charles, Jenifer, Buchanan, Welch, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, McCullough, McLane, Bowie, Sprigg, McCubbin, Spencer, Wright, Drickson, McMaster, Hearn, Fooks, McHenry, Nelson, John Newcomer, Brewer, Anderson, Weber, Slicer and Fitzpatrick—27.

So the article was not adopted.

Mr. Chambers, of Kent, moved the Convention adjourn ;

Which motion he waived to enable Mr. Spencer, to offer the following amendments, which he desired to be entered upon the record :

Sec 11. No testimony on the equity side of the county courts, shall be taken under a commission, when it is within the reach of the process of said courts, but the same proceedings shall in all respects be had in taking testimony as is now had on the law side of said courts.

Sec. 12. Provision shall be made by the Legislature to require the sheriffs of the respective counties in this State, to sell and dispose of all estates directed to be sold under all decrees passed on the equity side of the said court, and to execute all and every process in the said courts, whether at law or equity, save and excepting the duties of auditor and clerk of said courts, for which no greater commission or per centage shall be allowed than is now allowed him for sale at law.

Sec. 13. In the trial of all actions hereafter in the courts of this State, in which matters of account in bar or set off are plead as now authorised by law, or which may hereafter be allowed by law—the jury shall find, according to the merits of the case, either for the plaintiff or the defendant, as the same may be.

Mr. Davis, (by permission of the Convention,) presented a memorial signed by Millers, Flour Dealers, Shippers and Merchants of the city of Baltimore, remonstrating against the repeal of the present Inspection system, and submitting certain reasons therefor ;

Which was read, and

On motion of Mr. Davis,

Referred to the committee on Inspections.

Mr. Chambers, of Kent, then renewed the motion to adjourn ;

Mr. Brown, moved the question be taken by yeas and nays, and that the hour be noted on the Journal, it being half past one o'clock.

The yeas and nays were then taken and appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Jenifer, Buchanan, Welch, Ridgely, John Dennis, James

U. Dennis, Crisfield, Dashiell, Williams, Hodson, Eccleston, Phelps, Chambers, of Cecil, McCullough, Bowie, Sprigg, McCubbin, Spencer, Grason, Wright, Dirickson, McMaster, Fooks, Jacobs, Sherwood, of Balt. city, Davis and Anderson—37.

NEGATIVE—Messrs. Sellman, Lloyd, Sherwood of Talbot, Miller, McLane, George, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—29.

So the Convention accordingly adjourned until Monday morning half past 11 o'clock.

MONDAY, April 28th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of Saturday were read.

Mr. Jenifer, presented a memorial of sundry citizens of Charles county, praying for restrictions on the present system of granting license for the sale of ardent spirits;

Which was read, and

Referred to the select committee appointed on that subject.

Mr. Magraw, submitted the following order :

Ordered, That a committee of three be appointed by the Chair, to examine the Record of the Journal of Proceedings as kept by the Secretary, and to report the same to the Convention, that it may be deposited in the State Library, and also to report what compensation the Secretary is entitled therefor ;

Which was read, and adopted.

In pursuance whereof the President appointed Messrs. Magraw, Morgan and McCubbin the committee.

Mr. Crisfield, (in accordance with the notice heretofore given,) moved to reconsider the vote of the Convention on the 42nd section of the report of the committee on the Legislative Department, abolishing imprisonment for debt, and to substitute in lieu thereof the following :

“As soon as practicable after the adoption of this constitution, laws shall be passed to abolish imprisonment for debt, punish

fraud, and enforce the just application of the property of insolvent persons to the payment of their debts ;”

Which was read.

Mr. Johnson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Ricaud, Donaldson, Dorsey, Wells, Howard, Dickinson, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, McCullough, Miller, Wright, McMaster, Hearn, Fooks, Jacobs, Davis, Waters and Shower—24.

NEGATIVE—Messrs. Blakistone, Dent, Hopewell, Lee, Mitchell, Randall, Dalrymple, Buchanan, Lloyd, John Dennis, James U. Dennis, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Dirickson, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Cockey and Brown—51.

So the Convention refused to reconsider their vote.

On motion of Mr. Buchanan, it was

Ordered, That it be entered on the Journal, that Mr. Welch, is detained from his seat in the Convention by indisposition.

The Convention then resumed the consideration of the order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending on Saturday before the Convention, being on the amendment offered by Mr. Spencer.

Mr. Brown, moved the Convention reconsider their vote of Saturday, rejecting the amendment offered by Mr. Michael Newcomer, as the 10th section of the report.

Mr. Brown, moved the question be taken by yeas and nays, Which were ordered.

On motion of Mr. Crisfield,

The Convention was called.

On motion of Mr. Brown,

Further proceedings under the call was dispensed with.

The yeas and nays were then taken and appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Dorsey, Howard, Lloyd, Dickinson, Hicks, Hodson, Goldsborough, Eccleston, Miller, Grason, George, Hearn, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Hollyday, Slicer, Smith, Parke, Shower, Cockey and Brown—45.

NEGATIVE—Messrs. Chapman, Pres't, Dent, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Dalrymple, Bond, Jenifer, Buchanan, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, McHenry, Magraw, Kilgour, Brewer and Anderson—33.

So the convention reconsidered their vote.

The question then recurred on the adoption of said 10th section.

Mr. John Newcomer, then moved to reconsider the vote of the Convention on said section, striking out "three Judges," and inserting "one Judge;"

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Bond, Jenifer, Buchanan, John Dennis, James U. Dennis, Dashiell, McCullough, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, McHenry, Magraw, John Newcomer, Kilgour, Brewer, Anderson, Weber, Fitzpatrick, Smith and Parke—33.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Dorsey, Wells, Randall, Sellman, Dalrymple, Howard, Lloyd, Dickinson, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Grason, George, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Davis, Waters, Hollyday, Slicer, Shower, Cockey and Brown—46.

So the Convention refused to reconsider their vote.

The question again recurred on the adoption of the said 10th section.

Mr. Chambers, of Kent offered as a substitute for said section the following :

"The register of wills shall have power to perform and execute such duties as are now performed by the orphans' courts, and for that purpose issue process for parties or witnesses, according to the practice of said courts, and any person who may be interested may appeal from the decision of the register, to the judge of the orphans' court, whose decision shall be final and conclusive between the parties to said appeal ; but the persons interested may, by an agreement to be previously filed in the office of register of wills, take an appeal to the court of appeals instead of the judge of the orphans' court. In any contested case, occurring in said court, the parties may by consent submit the decision of the cause, in the first instance, to the judge instead of the register, and in such case, the said judge shall have original jurisdiction over the same, and an appeal may be taken from his decision to the Court of Appeals;"

Which was read.

Mr. Fitzpatrick, moved to amend said substitute by adding at the end thereof the following proviso :

“Provided no practice or system of pleading other than those now existing, be introduced into said orphans court ;”

Mr. Grason, moved the previous question, that is

Shall the main question be now put?

On motion of Mr. Bowie,

The yeas and nays were ordered, and appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Howard, Lloyd, Dickinson, Chambers, of Cecil, Miller, Spencer, Grason, George, Wright, Fooks, Thomas, Johnson, Gaiher, Biser, Annan, Sappington, McHenry, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Hollday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—39.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Dalrymple, Bond, Jenifer, Buchanan, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, McLane, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Jacobs, Magraw, Schley, Kilgour, Waters, Anderson and Smith—39.

So the Convention refused to sustain the previous question.

The question was then put on the amendment as offered by Mr. Fitzpatrick, to the substitute offered by Mr. Chambers, of Kent ; and

Determined in the affirmative.

The question then recurred and was put,

Will the Convention accept the substitute as offered by Mr. Chambers, of Kent, and amended on the motion of Mr. Fitzpatrick, for the 10th section of the report ?

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Mitchell, Crisfield, Williams, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Magraw, John Newcomer, Brewer, Weber and Fitzpatrick—19.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Dorsey, Wells, Randall, Sellman, Dalrymple, Jenifer, Howard, Buchanan, Lloyd, Dickinson, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, McLane, Bowie, Sprigg, Grason, George, Thomas, Johnson, Gaiher, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Davis, Kilgour,

Waters, Anderson, Hollyday, Slicer, Smith, Parke, Shower, Cockey and Brown—58.

So the Convention refused to accept the substitute.

Mr. Bowie, then offered as a substitute for said 10th section, the following :

“There shall be in each county of this State an orphans’ court to consist of three judges who shall be elected by a plurality vote of the legal and qualified voters of said counties respectively, and who shall hold their offices for the term of four years, if they shall behave themselves in office so long, and until their successors in office shall be elected and qualified ; one of the persons voted for as a judge of said court shall be, in each of said counties, from among those experienced in the laws, and the said court shall have the same jurisdiction within their respective limits, that the orphans’ courts of the several counties of this State, as now established by law, have, and also the same chancery and equity jurisdiction which the chancellor of the State, or the present county courts as courts of equity now have, or which may be hereafter prescribed by law. The jurisdiction of said courts shall be exclusive within their respective limits, and all appeals from their decisions, judgments, decrees or orders, shall be to the court of appeals of this State. The compensation of said Judges shall be prescribed by law, and paid by the several counties respectively ;”

Which was read.

Mr. Jenifer, moved to amend said substitute by inserting after the word “paid” in the last line, these words “one half by the State and the other half ;”

Determined in the negative.

Mr. Brent, of Balt. city, moved to amend said substitute by striking out “three” and inserting in lieu thereof “two ;”

Determined in the negative.

Mr. Johnson, then moved to amend said substitute by striking out these words “from among those experienced in the laws ;”

Mr. Johnson withdrew the amendment.

Mr. Brent, of Balt. city, moved to amend said substitute by striking out the words “shall be prescribed by law,” and inserting in lieu thereof, the words “shall be fifteen hundred dollars ;”

Mr. Brown, moved the previous question, that is,

“Shall the main question be now put ?” and it was

Determined in the affirmative.

Mr. Brent of Balt. city, withdrew his amendment.

The question was then put,

Will the Convention accept the substitute as offered by Mr. Bowie, for the 10th section of the report?

On motion of Mr. Bowie,

The question was taken by yeas and nays being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Lee, Dalrymple, Bond, Bowie, Spencer, Johnson, Kilgour and Anderson—13.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Howard, Buchanan, Lloyd, Dickinson, John Dennis, J. U. Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, McCullough, Miller, McLane, McCubbin, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—65.

So the Convention refused to accept the substitute.

The question then recurred and was put on the adoption of the 10th section as an article of the constitution ;

Mr. Kilgour, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Dorsey, Sellman, Jenifer, Howard, Buchanan, Lloyd, Dickinson, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Grason, George, Hearn, Fooks, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Sappington, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—52.

NEGATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Muchell, Donaldson, Wells, Randall, Dalrymple, Bond, John Dennis, James U. Dennis, Crisfield, Dashnell, Williams, McCullough, McLane, Bowie, Sprigg, McCubbin, Spencer, Wright, Dirickson McMaster, McHenry, Kilgour, Brewer, Anderson and Smith—29.

So the 10th section was adopted.

At 3 o'clock, P. M.,

Mr. Thomas, moved the Convention take a recess until 5 o'clock, P. M.,

Mr. Neill, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Dent, Sellman, Bond, Jenifer, Lloyd, Dickinson, Crisfield, Hicks, Hodson, McLane, McCubbin, George, McMaster, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley,

Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—45.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Cee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Dalrymple, Howard, Buchanan, John Dennis, James U. Dennis, Dashiell, Williams, Goldsborough, Eccleston, Chambers of Cecil, Miller, Bowie, Sprigg, Spencer, Grason, Wright, Dirickson, Hearn, Fooks, Jacobs, Kilgour, Waters and Anderson—35.

So the Convention took a recess until 5 o'clock, P. M.

FIVE O'CLOCK, P. M.

The Convention met.

The President laid before the Convention, the following communication from His Excellency, Governor Lowe :

State Department, Annapolis,
April 29th, 1851.

Hon. John G. Chapman, Pres't of Con :—

Sir,—I herewith transmit by the request of H. Hubbell, Esq., a copy of a letter recently addressed by him to me, concerning the case of J. S. Mitchell, and his agents F. Alberti and J. Frisby Price.

I have the honor to be,

Very respectfully,

E. LOUIS LOWE.

61 PRUNE ST., Philadelphia,

April 23, 1851.

Dear Sir—I perceive by the morning newspapers that the Maryland State Convention now in session, have taken some action in the case of J. S. Mitchell, and of his agents George F. Alberti and J. Frisby Price. I was the counsel of Mr. Alberti in this case, and it gratifies me very much to learn that the authorities of Maryland are moving in this matter, so vital to their State's interest, tranquility and prosperity. I have not the least doubt on my mind, on presenting the case properly to the Supreme Court of the United States, but that the whole proceedings against Mr. Alberti would be set aside and reversed, the law under which he was convicted declared unconstitutional, and his triumphant liberation

from unjust imprisonment secured. I have been anxious to take measures to bring this case properly before the Supreme Court, but Mr. Alberti and his friends are so poor that the necessary expenses cannot be obtained.

I will feel obliged to your Excellency, if you will communicate the purport of this letter to the Convention.

I am with great respect, your Excellency's obedient servant,

HOR. HUBBELL.

His Excellency Gov. Lowe, Annapolis.

Which was read, and

On motion of Mr. Brown,

Referred to the select committee already appointed on that subject.

The Convention then resumed the consideration of the order of the day being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

Mr. Spencer, gave notice that on to-morrow, he should move that the consent of the Convention be granted to enable him to move to reconsider the vote of the Convention on the 10th section of the report adopted this morning for the purpose of offering the following as a substitute therefor :

"There shall be in each county of this State an Orphans' court, which shall hold, use and exercise all the powers, authorities and jurisdictions, now held, used and exercised by the existing Orphans' courts in the several counties of this State; and the General Assembly may by law, restrain or enlarge the powers and jurisdiction thereof. The judge of the circuit in which any Orphans' court shall be held, shall be judge thereof, and shall hold at least four terms of said court in each year in each county in his circuit, or oftener if required by law. In the recess of the Orphans' court, the Register of Wills in each county, shall have and exercise all and singular the powers, authorities and jurisdiction of the said court; and from any final order, judgment or decree of the Register of Wills, there shall be a right of appeal, under such regulations as may be provided by law, to the judge of the Orphans' court; and the said judge shall have the matter of said appeal *de novo*, and decide according to the equity and right of the matter. From any final order, judgment or decree of the said circuit judge, sitting as a judge of the Orphans' court, there shall be a right of appeal to the court of appeals, as now or hereafter may be provided by law."

The amendment offered by Mr. Spencer, on Saturday, as the 11th section of the report, was then read ;

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Lee, Buchanan, Dickinson, Miller, McLane, Bowie, Sprigg, McCubbin, Spencer, George,

Wright, McMaster, Hearn, Fooks, Jacobs, Johnson, Sappington, McHenry, Magraw, Nelson, Thawley, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Cockey and Brown—41.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Donaldson, Dorsey, Wells, Randall, Sellman, Lloyd, James U. Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Tuck, Thomas, Gaither, Biser, Gwinn, John Newcomer, Harbine and Davis—26.

So the amendment was adopted as the 11th section of the report.

The amendment offered by Mr. Spencer, as the 12th section of said report was then read ;

Mr. Sappington, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Lee, Hicks, Spencer, George, Wright, McMaster, Hearn, Fooks, Jacobs, Johnson, Sappington, Magraw, Nelson, Thawley and Ware—16.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Donaldson, Dorsey, Wells, Randall, Sellman, Buchanan, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Thomas, Gaither, Biser, McHenry, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Schley Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—53.

So the amendment as the 12th section was rejected.

The amendment offered by Mr. Spencer, as the 13th section of the report, was then read ;

Mr. Spencer, with the consent of the Convention, amended said amendment by inserting after the word "find" in the 11th line, the words "any balance," and by adding at the end thereof these words: "and the judgment of the court shall be rendered according to the finding of the jury ;"

The question then recurred on the adoption of the amendment as amended ;

Mr. Spencer moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Lee, Sellman, Buchanan, Lloyd, Dickinson, James U. Dennis, Dashiell, Hicks, Hodson, Eccleston, Miller, McLane, McCubbin, Spencer, George, Wright, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Thawley, Gwinn,

Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Ware, Michael Newcomer, Kilgour, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—47.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Donaldson, Dorsey, Wells, Randall, Crisfield, Williams, Goldsborough, Bowie, Tuck, Sprigg, Thomas, Schley, Fiery, John Newcomer, Harbine, Davis and Anderson—22.

So the amendment as the 13th section was adopted.

On motion of Mr. Bowie,

The Convention then took up for consideration the 2nd and 3rd sections, which had been passed over informally ;

Mr. Bowie, then offered as a substitute for said sections, the following :

“Sec. 2. The court of appeals shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State, and shall consist of a chief justice and three associate justices, any three of whom shall form a quorum, whose judgment shall be final and conclusive in all cases of appeals, and who shall have the same jurisdiction which the present court of appeals of this State now have, and such other appellate jurisdiction only as may be hereafter provided for by law. The Governor, for the time being, by and with the advice and consent of the Senate, shall designate the chief justice, and the court of appeals shall hold its sessions at the city of Annapolis on the first Monday of June, and the first Monday of December in each and every year ;”

Which was read.

Mr. Crisfield, moved to amend said substitute by inserting after the word “appeals” in the 5th line, these words: “but no judgment of reversal shall be rendered, except with the concurrence of at least three of the judges thereof ;”

Mr. Crisfield, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Ricaud, Sellman, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, McCubbin, Spencer, George, McMaster, Hearn, Fooks, Gaither, Gwinn, Fiery, Brewer, Weber, Hollyday, Slicer and Smith—26.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Lee, Donaldson, Dorsey, Wells, Randall, Buchanan, Hicks, Eccleston, Miller, McLane, Bowie, Sprigg, Wright, Dirickson, Jacobs, Johnson, Biser, Sappington, McHenry, Magraw, Nelson, Thawley, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

So the amendment was rejected.

Mr. Crisfield, then moved to amend said substitute, by inserting after the word "law" in the 9th line, the following ;

"And in every case decided, an opinion in writing shall be filed, and provision shall be made by law for publishing reports of cases argued and determined in the said court;"

Determined in the affirmative.

Mr. Schley, moved further to amend said amendment by adding at the end thereof the following :

"And at the city of Frederick, for the hearing of appeals from the counties of Allegany, Washington, Frederick, Carroll and Montgomery, on the 1st Monday of May and September, in each and every year;"

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Hicks, George, Thomas, Gaither, Biser, Sappington, Thawley, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Kilgour, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower and Cockey—20.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Donaldson, Dorsey, Wells, Randall, Sellman, Jenifer, Buchanan, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, McHenry, Magraw, Nelson, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis, Brewer, Waters, Anderson and Brown—49.

So the amendment was rejected.

Mr. Johnson, moved to amend said substitute by adding at the end thereof, the following :

"And at such other times and places as the Legislature may by law direct ;"

Mr. Schley, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Spencer, George, Thomas, Johnson, Gaither, Biser, Sappington, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Slicer, Fitzpatrick, Parke and Shower—24.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Donaldson, Dorsey, Wells, Randall, Sellman, Jenifer, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Magraw, Brent, of

Baltimore city, Davis, Kilgour, Brewer, Waters, Anderson, Smith, Cockey and Brown—45.

So the amendment was rejected.

The question then recurred and was put,

Will the Convention accept the substitute as offered by Mr. Bowie, and amended on the motion of Mr. Crisfield, for the 2nd and 3rd sections of the report?

Determined in the affirmative.

The said amendment was then adopted as the 2nd article of the report.

Mr. Kilgour, moved the Convention adjourn;

Determined in the negative.

The 4th section in the original report, but now the 3rd section, was then read;

Mr. Brent, of Balt. city, offered as a substitute for said section, the following :

“There shall be a clerk of the court of Appeals elected at the same time with the judges of the court of Appeals, by a plurality vote of the qualified electors of the State, who shall hold his office for a term of years, and receive a salary to be fixed by law.”

Which was read.

On motion of Mr. Spencer,

The Convention was called.

Mr. John Newcomer, moved to suspend further proceedings under the call, and that the question be taken by yeas and nays.

Mr. Thawley, moved the Convention adjourn;

Mr. Michael Newcomer, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Hopewell, Donaldson, Dorsey, Randall, Sellman, James U. Dennis, Williams, Miller, Sprigg, McCubbin, George, Wright, McMaster, Fooks, Jacobs, Thawley, Brewer, Waters, Fitzpatrick and Smith—20.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Ricaud, Lee, Wells, Brent, of Charles, Jenifer, Buchanan, Lloyd, Dickinson, Crisfield, Dashiell, Hicks, Goldsborough, Eccleston, Bowie, Tuck, Spencer, Dirickson, Thomas, Gaither, Biser, Sappington, McHenry, Magraw, Nelson, Gwinn, Stewart, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Anderson, Weber, Slicer, Parke, Shower, Cockey and Brown—43.

So the Convention refused to adjourn.

The question then recurred and was put on the motion of Mr. John Newcomer, to suspend further proceedings under the call, and

Determined in the affirmative.

Mr. Thawley, moved the Convention adjourn.

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Dent, Hopewell, Donaldson, Dorsey, Randall, Sellman, Dickinson, Williams, Miller, Sprigg, McCubbin, Spencer, George, McMaster, Jacobs, Thawley, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Brewer, Waters, Fitzpatrick and Smith—24.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Ricand, Lee, Mitchell, Wells, Jenifer, Howard, Buchanan, Lloyd, Crisfield, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Dirickson, Thomas, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Magraw, Gwinn, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Slicer, Parke, Cockey and Brown—40.

So the Convention refused to adjourn.

The question then recurred on the adoption of the substitute as offered by Mr. Brent, of Balt. city, for the 4th section of the report.

Mr. Crisfield, moved to amend said substitute by striking out the words "and to receive a salary to be fixed by law;"

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Dent, Hopewell, Ricand, Lee, Chambers of Kent, Mitchell, Wells, Howard, Lloyd, Dickinson, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Bowie, Tuck, Sprigg, McCubbin, Dirickson, McMaster, Jacobs, Thomas, Gaither, Biser, Annan, Gwinn, Brent of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Shower and Brown—45.

NEGATIVE—Messrs. Chapman, Pres't, Donaldson, Randall, Sellman, Buchanan, Spencer, George, Wright, Sappington, McHenry, Magraw, Thawley, Stewart, of Balt. city, Sherwood of Balt. city, Ware, Brewer, Weber, Fitzpatrick, Smith, Parke and Cockey—21.

So the amendment was adopted.

Mr. Howard, moved further to amend said amendment by adding after the word "years," the following:

"And be removable by a unanimous vote of the court of Appeals, in which case the Governor shall appoint a time for the election of a successor;"

Determined in the affirmative.

Mr. Chambers, of Kent, gave notice that on to-morrow, he should move to reconsider the vote of the Convention on the report of the committee on Apportionment and Representation.

The question then recurred and was put,

Will the Convention accept the substitute offered by Mr. Brent,

of Balt. city, and amended on the motion of Mr. Howard for the 4th section of the original report.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Hopewell, Howard, Buchanan, Dashiell, Miller, Spencer, George, Wright, Dirickson, Sappington, McHenry, Magraw, Thawley, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—33.

NEGATIVE—Messrs. Chapman, Pres't, Dent, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Brent, of Charles, Lloyd, Dickinson, James U. Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, McMaster, Jacobs, Thomas, Johnson, Gaither, Biser, Annan, Stewart, of Balt. city, Davis, Kilgour and Waters—36.

So the Convention refused to accept the substitute.

The question then recurred on the adoption of the 4th section.

Mr. McMaster, moved to amend said 4th section by striking out "six," and inserting in lieu thereof "five;"

Determined in the negative.

The said 4th section was then adopted.

On motion of Mr. Davis,

The Convention adjourned until to-morrow morning 9 o'clock

TUESDAY, April 29th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Howard, (gave notice that on to-morrow) he should move to rescind the 22nd rule of the Convention, relative to motions of reconsideration for the purpose of amending the same.

Mr. Wells, submitted the following order :

Which was twice read and adopted.

Ordered, That Benjamin Hopkins, be allowed one dollar and fifty cents per diem, during the session of the Convention for his services in attending to the furnace and making fires.

Mr. Thawley, submitted the following order:

Which was twice read and adopted.

Ordered, That no member of this Convention, shall stand over the Clerk's desk while he is calling the yeas and nays.

On motion of **Mr. Biser**,

The Convention took up for consideration the motion submitted by him on the 17th inst., to reconsider the vote of the Convention upon the proviso submitted by **Mr. Brent**, of Balt. city, to the 43rd section of the report of the committee on the Legislative Department.

After debate thereon,

Mr. Howard, moved to lay said motion of reconsideration on the table.

Mr. Blakistone, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—**Messrs.** Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Doisey, Wells, Randall, Sellman, Dalrymple, Bond, Bient of Charles, Howard, Buchanan, Welch, Lloyd, Dickinson, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Magraw, Nelson, Carter, Thawley, Schley, Harbine, Davis, Kilgour, Brewer, Waters, Anderson, Hollyday, Smith and Shower—58.

NEGATIVE—**Messrs.** Miller, Johnson, Gaither, Biser, Annan, McHenry, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Fiery, Neill, John Newcomer, Michael Newcomer, Weber, Fitzpatrick, Slicer, Parke, Cockey and Brown—20.

So the motion to reconsider was laid on the table.

Mr. Chambers, of Kent, gave notice that the motion made by him on yesterday, for a reconsideration of the vote of the Convention on the report of the committee of Representation, he should move to take up on Thursday next.

The Convention then resumed the consideration of the order of the day, being the report submitted by **Mr. Bowie**, chairman of the committee on the Judiciary.

Mr. Spencer, moved that the consent of the Convention be granted to enable him to move to reconsider the vote of the Convention on the 10th section of the report adopted on yesterday, for the purpose of inserting the substitute proposed by him for said section, and to be found on page 667 of Journal.

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Mitchell, Wells, Dalrymple, Bond, Welch, John Dennis, James U. Dennis, Crisfield, Dashiell, McLane, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Carter, Kilgour, Brewster, Anderson and Smith—25.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Donaldson, Dorsey, Sellman, Brent, of Charles, Howard, Buchanan, Lloyd, Dickinson, Williams, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Grason, Gaither, Biser, Annan, Sappington, Nelson, Thawley, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Waters, Weber, Hollyday, Slicer, Parke, Shower, Cockey and Brown—46.

So the Convention refused to grant the consent for a motion to reconsider.

Mr. Schley, moved the Convention reconsider their vote of yesterday, adopting an amendment offered by Mr. Spencer, as the 11th section of the report;

Mr. Buchanan, moved to postpone said motion indefinitely.

Mr. Gwinn, rose to a point of order, that the motion to postpone is not in order, as being against the true meaning of the will established by this Convention;

The Chair ruled the motion to be in order;

From which opinion, Mr. Gwinn appealed.

The question was then put,

Shall the opinion of the chair stand as the judgment of the Convention?

Determined in the affirmative.

Mr. Brown, moved the previous question, and being seconded;

The question was then put,

Will the Convention reconsider their vote adopting the amendment offered by Mr. Spencer, as the 11th section of the report?

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Brent of Charles, Howard, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Bowling, Grason, Gaither, Biser, Annan, Gwinn, Brent, of Balt. city, Schley, Neill, John Newcomer, Harbine, Davis, Hollyday, Slicer, Smith, Parke, Shower and Brown—43.

NEGATIVE—Messrs. Lee, Bond, Buchanan, Welch, Lloyd, Dickinson, Dashiell, Spencer, Wright, McMaster, Hearn, Fooks, Jacobs, McHenry, Nelson, Carter, Thawley, Stewart of Balt. city,

Sherwood of Balt. city, Fiery, Michael Newcomer, Brewer, Anderson and Cockey—24.

So the Convention reconsidered their vote on said article;

The question then recurred on the adoption of said article;

Mr. Schley, moved the previous question, and being seconded,
The question was put,

Will the Convention adopt said section as the 11th article?

Mr. Spencer, moved the question be taken by yeas and nays,
and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Welch, Lloyd, Dickinson, Dashiell, Spencer, Wright, McMaster, Hearn, Fooks, Jacobs, McHenry, Carter, Thawley, Stewart, of Balt. city, Sherwood, of Balt. city, Fiery, Michael Newcomer, Brewer, Anderson, Hollyday, Slicer, Cockey and Brown—24.

NEGATIVE—Messrs. Chapman, Pr't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Sellman, Brent, of Charles, Howard, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Miller, McLane, Bowling, Grason, Gaither, Biser, Annan, Gwinn, Brent, of Balt. city, Schley, Neill, John Newcomer, Harbine, Davis, Smith, Parke and Shower—41.

So the amendment as the 11th section was rejected.

Mr. Brown moved to postpone the consideration of the order of the day, for the purpose of enabling him to offer the following additional rule:

“A motion to postpone indefinitely, shall be decided without debate.”

On the question being put on postponing the consideration of the order of the day; it was

Determined in the negative.

Mr. Spencer, gave notice that he should at some other time, move to reconsider the vote of the Convention just taken on the amendment submitted by him as the 11th section of the report.

Mr. Neill, moved to reconsider the vote of the Convention adopting an amendment on yesterday offered by Mr. Spencer, as the 13th section of the report of the Judiciary committee.

Mr. Spencer, moved the question be taken by yeas and nays,
and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Brent, of Charles, Howard, John Dennis, James U. Dennis, Crisfield, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowling, Grason, Gaither, Biser, Annan, Brent, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Anderson, Smith, Parke and Cockey—39.

NEGATIVE—Messrs. Lee, Bond, Buchanan, Welch, Lloyd, Dickinson, Dashiell, Chambers, of Cecil, McLane, McCubbin, Spencer, Wright, McMaster, Hearn, Fooks, Jacobs, Sappington, McHenry, Magraw, Carter, Thawley, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Michael Newcomer, Brewer, Waters, Weber, Hollyday, Slicer, Fitzpatrick, Shower and Brown—33.

So the Convention reconsidered their vote on said 13th article.

The question then recurred on the adoption of the article;

Mr. Spencer, moved to amend said article by adding at the end thereof, the following proviso:

“Provided, the account in bar or set off shall be held by the defendant, with notice to the plaintiff at the time of the institution of the action;”

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Lee, Bond, Buchanan, Welch, Lloyd, James U. Dennis, Crisfield, Dashiell, Hicks, Hodson Eccleston, Chambers of Cecil, Miller, McLane, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, McHenry, Magraw, Thawley, Stewart, of Balt. city, Sherwood, of Balt. city, Kilgour, Brewer, Waters, Hollyday, Slicer, Fitzpatrick and Brown—35.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan Blakistone, Dent, Hopewell, Ricaud, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Brent, of Charles, Howard, Dickinson, John Dennis, Williams, Goldsborough, Bowling, Grason, Gaither, Biser, Annan, Gwinn, Brent, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Anderson, Smith, Parke, Shower and Cockey—38.

So the convention rejected said amendment.

The question again recurred and was put on the adoption of the amendment as the 13th article, and

Determined in the negative.

Mr. Morgan, moved that the 11th and 12th sections in printed report, be passed over informally.

Determined in the affirmative.

The 13th section was then read.

Mr. Morgan, moved to amend said section by striking out all of said section down to the word “equity,” inclusive in the 5th line thereof.

Mr. Howard, moved that the Convention pass over the 13th section informally, and take up for consideration the 25th section.

Determined in the affirmative.

The 25th section of said report was then read.

Mr. Howard, offered as a substitute for said section the following:

"The present court of Chancery shall be continued with the powers which it now has or may hereafter be conferred upon it by law;"

Which was read.

Mr. John Newcomer, moved to amend said 25th section by striking out wherever it occurs in said section, the words "five years," and inserting in lieu thereof "one year ;"

Mr. John Newcomer, withdrew the amendment.

Mr. Brent, of Balt. city, moved to amend said 25th section by striking out in the 3rd, 4th and 5th lines these words: "nor shall any cause be removed from any other court in the State to the said court of Chancery from and after said ratification ;"

Determined in the negative.

The question then recurred and was put,

"Will the Convention accept the substitute, as offered by Mr. Howard, for the 25th section of the report?"

Mr. McMaster, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Brent, of Charles, Jenifer, Howard, Buchanan, Williams, Bowling, Grason, Fooks, Davis and Brown—23.

NEGATIVE—Messrs. Lee, Mitchell, Dahymple, Bond, Welch, Lloyd, Dickinson, Colston, John Denn's, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, Mc-Lane, Spencer, George, Dirickson, McMaster, Hearn, Jacobs, Johnson, Gaither, Biser, Annan, Sappington, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Smith, Parke, Shower and Cockey—53.

So the Convention refused to accept the substitute.

Mr. Wright, when his name was called on the yeas and nays just taken, rose in his seat and stated that having paired off with Gov. Sprigg, on the question under consideration, he declined voting.

Mr. Randall, offered as a substitute for said 25th section the following:

"The present chancellor and the register in chancery, and in the event of any vacancy in their respective offices, their successors in office respectively, who are to be appointed as at present by the Governor and Senate, shall continue in office, with the powers and compensation as at present established, until the expiration of five years after the adoption of this constitution by

the people, and until the end of the session of the Legislature next thereafter; after which period the said offices of chancellor and register shall be abolished. And the Legislature shall in the meantime provide by law for the recording, safe-keeping or other disposition of the records, decrees and other proceedings of the court of chancery, and for the copying and alteration thereof, and for the custody and use of the great seal of the State, when required after the expiration of said five years, and for the transmission to the said counties and the city of Baltimore, all the causes and proceedings in said court as may be then undisposed of and unfinished, in such manner and under such regulations as may be deemed necessary and proper."

Which was read.

Mr. Spencer, moved to amend said substitute by adding at the end thereof the following proviso:

"Provided, that no new business shall originate in the said court, nor shall any cause be removed to the same from any other court in this State, from and after the ratification of this constitution."

Mr. John Newcomer, moved to amend the 25th section in printed report, by striking out from the word "office," in the 8th line, to end of said section, and substitute in lieu of it the following:

"For two years, at the expiration of which time, any causes remaining unheard and undetermined, shall be taken to the county or city where the defendant, or if more than one, a plurality of the defendants may reside, where the judge of the county or city court shall have jurisdiction, hear and determine the same, and after the expiration of two years from the adoption of this constitution, the office of register in chancery shall be and are hereby abolished;"

Which was read.

Mr. Morgan, moved the Convention postpone the further consideration of said 25th section and amendments;

Determined in the affirmative.

Mr. Morgan, then moved that the Convention resume the consideration of the 13th section of the report;

The question was then put on the motion of Mr. Morgan, to amend said 13th section by striking out all of said section down to the word "equity" inclusive, in the 5th line thereof.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Ricaud, Lee, Chambers, of Kent, Dorsey, Wells, Randall, Kent, Sellman, Dalrymple, Brent, of Charles, Lloyd, Dickinson, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Miller, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Biser, Annan, Sappington, Nelson, Schley, Fiery, John Newcomer, Harbine, Michael.

Newcomer, Davis, Kilgour, Waters, Anderson, Weber, Slicer, Smith, Shower and Cockey—51.

NEGATIVE—Messrs. Donaldson, Bond, Howard, Welch, Crisfield, Chambers, of Cecil, McLane, Spencer, George, McHenry, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Neill, Brewer, Hollyday, Parke and Brown—22.

So the amendment was adopted.

Mr. Stewart, of Balt. city, gave notice that on to-morrow, he should move to reconsider the vote of the Convention just taken on said amendment.

Mr. Morgan, then moved that the Convention take up for consideration the 11th section of the report.

Determined in the affirmative.

Mr. Brown, moved to reconsider the vote of the Convention on the amendment offered by Mr. Morgan, to the 13th section of the report, and adopted by the Convention, striking out the first paragraph of said section.

After debate thereon,

At 20 minutes past 3 o'clock, P. M.,

On motion of Mr. Smith,

The Convention adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, April 30th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

On motion of Mr. Stephenson,

The reading of the Journal of Proceedings was dispensed with.

Mr. Sellman, presented a petition of sundry citizens of the 3rd election district of Anne Arundel county, praying a change in the license system ;

Which was read, and

Referred to the committee appointed on the subject.

Mr. Michael Newcomer, submitted the following order :

Ordered, That the Convention take a recess each day during the session from 2 o'clock until 4 o'clock, P. M. ;

Which was read.

Mr. Michael Newcomer, moved the previous question ; that is :
Shall the main question be now put? and it was
Determined in the negative.

The question then recurred on the adoption of the order;

On motion of Mr. Morgan,

Said order was amended by striking out "two" and inserting
"three."

Mr. Chambers, of Kent, moved to lay said order on the table ;

Mr. Michael Newcomer, moved the question be taken by yeas
and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Ricaud, Lee, Chambers, of
Kent, Mitchell, Wells, Weems, Dalrymple, Bond, Howard,
Buchanan, James U. Dennis, Cristfield, Dashiell, Williams,
Hicks, Hodson, Goldsborough, Eccleston, Spencer, Wright, Di-
rickson, Hearn, Jacobs, Sappington, Brent, of Balt. city, Schiey,
Brewer, Anderson and Smith—30.

NEGATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Sell-
man, Bell, Ridgely, Dickinson, Colston, Chambers, of Cecil,
Miller, McLane, McMaster, Gaither, Biser, Annan, Stephenson,
Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn,
Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John
Newcomer, Harbine, Michael Mewcomer, Weber, Slicer, Fitz-
patrick, Parke, Shower, Cockey, and Brown—36.

So the Convention refused to lay said order on the table.

Mr. Buchanan, moved to amend said order by adding at the end
thereof the following:

"Provided every member shall consider himself pledged to re-
main from the opening to the closing of each session;"

Determined in the negative.

The question again recurred on the adoption of the order;

Mr. Hicks, offered as a substitute for said order the following:

Ordered, That when this Convention adjourn, it stand adjourned
to 8 o'clock to-morrow, (Thursday,) and that 8 o'clock be the hour
of meeting until otherwise ordered; take a recess at 2 o'clock until
4 o'clock, P. M.:

Which was read.

Mr. John Newcomer, moved to amend said substitute by strik-
ing out the word "take" and insert the words "and that there be,"
and insert after "recess" the words "each day;"

Mr. John Newcomer, moved the question be taken by yeas and
nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Dent, Sellman, Brent, of
Charles, Bell, Lloyd, Dickinson, Colston, Hicks, Chambers, of
Cecil, McLane, McMaster, Gaither, Biser, Annan, Sappington,
Stephenson, Magraw, Nelson, Gwinn, Stewart, of Balt. city,

Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Cockey and Brown—36.

NEGATIVE—Messrs. Chapman, Pres't Morgan, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Bond, Howard, Buchanan, Ridgely, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Miller, Spencer, Wright, Hearn, Dirickson, Fooks, Jacobs, Carter, Thawley, Stewart, of Caroline, Bient, of Balt. city, Schrey, Neill, Anderson and Smith—39.

So the amendment was rejected.

Mr. Hicks, then withdrew his substitute.

The question then recurred on the adoption of the order as offered by Mr. Michael Newcomer;

Mr. Thawley, moved to amend said order by striking out "two" and inserting in lieu thereof "half-past one," and by striking out "four" and inserting "three;"

Determined in the negative.

Mr. Thawley, moved the question be taken by yeas and nays ; Which motion was not sustained.

The question then recurred and was put on the adoption of the order ; and

Determined in the negative.

Mr. Chambers, of Kent, gave notice that on to-morrow he should move to take up for consideration the motion made by him on the 7th March, to the report of the Legislative committee, being a motion to reconsider the vote of the Convention in relation to the oath to be administered to officers and witnesses.

Mr. Howard, gave notice that on to-morrow he should move to amend the 22nd rule by adding the following :

"But no motion shall be in order to reconsider an article or section which has gone to the Revisory committee."

The Convention then resumed the consideration of the order of the day, being the report No. 13, submitted by Mr. Bowie, as chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday, being on the motion of Mr. Brown, to reconsider the vote of the Convention on the amendment offered by Mr. Morgan, to the 13th section of the report and adopted by the Convention striking out the first paragraph of said section.

Mr. Brown moved the previous question, and being seconded, The question was put,

"Will the Convention reconsider their vote of yesterday, striking out the first paragraph of said section?"

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Dalrymple, Howard, Bell, Chandler, Ridgely, Lloyd, Colston, James U. Dennis, Crisfield, Chambers, of Cecil, McLane, Spencer, George, Shriver, Biser, Annan, McHenry, Magraw, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Michael Newcomer, Brewer, Holyday, Fitzpatrick, Parke, Shower, Cockey and Brown—35.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Randall, Kent, Sellman, Bond, Brent, of Charles, Merick, Buchanan, Dickinson, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowling, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Sappington, Stephenson, Nelson, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Waters, Anderson, Weber and Slicer—47.

So the Convention refused to reconsider their vote.

The 11th section was then read.

Mr. Spencer rose in his seat to offer a substitute for the 11th and 12th sections of the report, and having proceeded to address the Convention;

Mr. Buchanan, rose to the following point of order—That it is out of order for the gentleman from Queen Anne's in debate in the Convention, to refer to the proceedings that took place in the committee room.

Mr. Blakistone, being in the chair, stated that the opinion of the chair was, that every gentleman rising to speak, should speak to the question before the Convention.

Mr. Spencer, then offered as a substitute for the 11th section of the report, the following :

“There shall be in the city of Baltimore three courts, one to be called the common law court, the other the equity court, and the other the criminal court, with one judge to each, provisions may be made by law, for the establishment of a police court;”

Mr. Spencer withdrew said substitute.

Mr. Stewart, of Balt. city, then moved to amend the 11th section of said report by inserting after the word “shall” in the 4th line, these words, “be over one hundred and shall;”

Determined in the affirmative.

The said 11th section was then adopted as amended.

The 12th section of the said report was then read.

Mr. Stewart, of Balt. city, moved to amend said 12th section by inserting after the word “dollars” in the 3rd line of said section, the following :

“Provided that where the plaintiff or plaintiffs shall recover

less than the sum or value of five hundred dollars, the said plaintiff or plaintiffs shall not be allowed, but at the discretion of the court may be adjudged to pay costs ;”

Mr. Dorsey, moved to amend said amendment by striking out these words “not be allowed but at the discretion of the court may be adjudged to pay costs ;” and substitute in lieu thereof the following :

“Be allowed his costs or adjudged to pay costs at the discretion of the court ;”

Determined in the negative.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Stewart, of Balt. city, and

Determined in the affirmative.

Mr. Morgan, moved further to amend said 12th section by adding at the end thereof the following :

“And shall have and exercise all the powers and jurisdictions now exercised by Baltimore county court, sitting as a court of equity ;”

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Michell, Dorsey, Wells, Weems, Bond, Brent, of Charles, Merrick, Buchanan, Bell, Chandler, Lloyd, Colston, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Chambers, of Cecil, Miller, McLane, McCubbin, Bowling, Spencer, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gauthier, Biser, Annan, Sappington, Stephenson, McHenry, Thawley, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Cockey and Brown—66.

NEGATIVE—Messrs. Donaldson, Howard, Ridgely, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware and Shower—9.

So the amendment was adopted.

Mr. Gwinn, moved further to amend said section by adding at the end thereof the following:

“And the Supreme court of Baltimore city shall consist of two Judges ;”

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, John Dennis, Merrick, Howard, Bell, Chandler, Ridgely, Crisfield, Williams, Hodson, Chambers, of Cecil, George, McHenry,

Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Shower and Brown—22.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Mitchell, Dorsey, Wells, Randall, Sellman, Weems, Bond, Brent, of Charles, Buchanan, Colston, Dashiell, Eccleston, Miller, McLane, McCubbin, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Thawley, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke and Cockey—54.

So the amendment was rejected.

On motion of Mr. Morgan,

Said 12th section was amended by adding at the end thereof the following :

“Each of the said two courts shall consist of one judge, who shall hold his office for the term of ten years, subject to the provisions of this constitution, with regard to the election and qualifications of Judges and their removal from office, and the salary of each of the said judges shall be twenty-five hundred dollars per year;”

The said 12th section having been read through as amended;

On motion of Mr. Dorsey,

Said section was further amended by inserting after the word “vested” in the 4th line, the words “within their respective jurisdiction;”

Mr. Howard, moved further to amend said section by adding at the end thereof the following :

“And in case it shall hereafter be deemed proper by the Legislature to establish another court with exclusive chancery jurisdiction for the city of Baltimore, they are hereby authorised to provide for the election of a judge with a salary of \$2,500;”

Which was read.

Mr. Merrick, moved to amend said amendment by striking out these words “exclusive chancery jurisdiction;”

Which amendment Mr. Howard accepted.

The question then recurred on the adoption of the amendment as amended;

Mr. Harbine, offered as a substitute for said amendment the following :

“And the Legislature shall whenever it may think the same proper and expedient, provide by law another court for the city of Baltimore, to consist of one judge to be elected by the qualified voters of said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the judge of the Court of Common

Pleas of Baltimore city, and said court shall have such jurisdiction and powers as may be prescribed by law;”

Mr. Howard then withdrew his amendment.

Mr. Harbine then offered his amendment to come in at the end of the 12th section of said report.

Mr. Dashiell moved to amend said amendment by adding at the end thereof the following :

“And that the Legislature shall have the power when deemed expedient to appoint an additional judge in each or any of the respective circuits created in the provisions of this constitution;”

Mr. Dashiell, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Chambers, of Kent, Donaldson, Bond, Brent, of Charles, James U. Dennis, Dashiell, Goldsborough, McCubbin, Bowling, Thawley, John Newcomer, Slicer and Smith—17.

NEGATIVE—Messrs. Chapman, Pres’t, Lee, Dorsey, Wells, Randall, Sellman, Weems, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Dickinson, Colston, Crisfield, Williams, Hicks, Hodson, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Sprigg, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Hollyday, Parke, Shower, Cockey and Brown—60.

So the amendment was rejected.

The question then recurred upon the adoption of the amendment as offered by Mr. Harbine;

Mr. Thomas, moved to amend said amendment by inserting after the words “Baltimore city,” the words “to be paid out of the State Treasury;”

Which amendment Mr. Harbine accepted.

The question then recurred on the adoption of the amendment as amended;

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Lee, Donaldson, Brent, of Charles, Bell, Chandler, Ridgely, Lloyd, Dickinson, Colston, James U. Dennis, Crisfield, Williams, Chambers, of Cecil, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Thawley, Schley, Fiery, Neill, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Cockey and Brown—45.

NEGATIVE—Messrs. Chapman, President, Blackistone, Dent,

Chambers, of Kent, Dorsey, Wells, Randall, Sellman, Weems, Bond, Howard, Buchanan, Dashiell, Hicks, Goldsborough, Eccleston, Phelps, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, Jacobs, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, John Newcomer, Davis and Shower—32.

So the amendment as amended was adopted.

Mr. Thomas, moved to reconsider the vote of the Convention on the amendment offered by Mr. Dorsey, this morning, to amend the amendment offered by Mr. Stewart, of Balt. city, to said 12th section, by striking out all after the word "shall" to the end of said amendment, and inserting in lieu thereof these words :

"Be allowed his costs or adjudged to pay costs at the discretion of the court ;"

Determined in the affirmative.

The said amendment was then adopted.

The question then recurred and was put on the 12th section as amended ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Donaldson, Dorsey, Bond, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Dickinson, Colston, James U. Dennis, Crisfield, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Sprigg, McCubbin, Bowling, Spencer, George, Wright, Dirickson, McMaster, Hearn, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Thawley, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Cockey and Brown—62.

NEGATIVE—Messrs. Blakistone, Dent, Lee, Chambers, of Kent, Wells, Randall, Weems, Dashiell, Williams, Fooks, Jacobs, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis and Parke—18.

So the 12th section as amended was adopted.

The 14th section in printed report was then read ;

Mr. Morgan, moved to amend said 14th section by striking out from the word "court," in the 3rd line to the end of said section.

Mr. Thomas, moved to amend said section by striking out in the 3rd line the words "the Chancery court ;"

Pending the question on these amendments ;

At five minutes past 3 o'clock, P. M.,

Mr. John Newcomer, moved the Convention take a recess until 4 o'clock, P. M.,

Mr. Chambers, of Kent, moved the Convention adjourn;

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Bond, Brent of Charles, Merrick, Howard, Bell, Chandler, Ridgely, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Eccleston, Phelps, Miller, Sprigg, McCubbin, Bowling, Wright, Dirickson, McMaster, Hearn, Hooks, Jacobs, Shriver, Biser, Hawley, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Ware, Schley, Neill, Davis, Kingour, Waters, Anderson, Holliday, Smith and Shower—52.

NEGATIVE—Messrs. Blakistone, Kent, Buchanan, Lloyd, Dickinson, Colston, Crisfield, Hicks, Chambers of Cecil, McLane, Spencer, George, Thomas, Cather, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Parke, Cockey and Brown—29.

So the Convention accordingly adjourned until to morrow morning 9 o'clock.

THURSDAY, May 1st, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The Proceedings of yesterday were read.

Mr. Shriver, presented an account of Wm. B. Tyler, clerk of Frederick county court, for services rendered.

Which was read, and

Referred to the committee on Accounts.

Mr. Brown, submitted the following resolution.

Resolved, That the mover of an amendment to the Judiciary report may speak not to exceed ten minutes in explanation thereof, and five minute speeches may be made by any member on a pending amendment, provided that no member shall speak more than twice on one amendment, unless by the unanimous consent of the Convention. No amendment not offered in good faith shall be in order, nor shall a motion to postpone indefinitely be debated,

nor a motion to reconsider be entertained by the chair, unless made in good faith,

Which was read.

Mr. Brown moved the previous question, and being seconded,

Mr. Spencer moved for a division of the question upon each branch of said resolution.

The question was then put on the adoption of the first branch of said resolution down to the word "Convention" in the 6th line inclusive; and

Determined in the affirmative.

The question was then put on the adoption of the 2nd and last branch of said resolution; and

Determined in the affirmative.

On motion of Mr. Howard,

The Convention took up for consideration the amendment offered by him on yesterday to the 22nd rule.

After debate thereon,

And before any action was had by the Convention on said amendment,

The President announced that the hour had arrived for taking up the order of the day.

The Convention then resumed the consideration of the unfinished order of yesterday, being the report No. 13, submitted by Mr. Bowie, as chairman of the committee on the Judiciary.

The question pending before the Convention on yesterday being on the amendment offered by Mr. Thomas to the 14th section, by striking out in the 3rd line the words "the chancery court;"

On the question being put,

"Will the Convention adopt said amendment?" it was

Determined in the affirmative.

The said 14th section was then adopted as amended.

On motion of Mr. Morgan,

The 15th section of said report was stricken out.

Mr. Dorsey, moved that the Convention reconsider their vote on the 11th section, for the purpose of enabling him to offer the following amendment to come in at the end thereof:

"Provided that the want of jurisdiction in the court in respect to the amount claimed or recovered, shall not be produced by the plea of the statute of limitation, or by payments, discounts or set off claimed by the defendant at the trial of the cause;"

Determined in the negative.

Mr. Dorsey, moved for the yeas and nays;

Which motion was not sustained.

Mr. Crisfield moved to reconsider the vote of the Convention on the 12th section of said report, for the purpose of offering as a substitute therefor the following :

“There shall be established for the city of Baltimore, a court which shall be styled The Superior Court of Baltimore city which shall have jurisdiction over all suits where the debt or damages claimed shall exceed the sum of five hundred dollars; and the said court within its jurisdiction, shall be vested with all powers now held and exercised by Baltimore county court, sitting as a law court; and the said court shall consist of two judges. And whenever a plaintiff or plaintiffs in the said court recovers less than the sum or value of five hundred dollars, he or they shall be allowed or adjudged to pay his or their costs, at the discretion of the court. And the said judges shall each receive a salary of twenty-five hundred dollars per year, which shall not be increased or diminished during their continuance of office. And the said court shall also have jurisdiction in all cases arising in equity in the said city;”

On the question being put,

“Will the Convention reconsider their vote?”

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Lee, Donaldson, Howard, Bell, Welch, Ridgely, Lloyd, Dickinson, Colston, James U. Dnnnis, Crisfield, Williams, Goldsborough, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Annan, Stephenson, McHenry, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Michael Newcomer, Hollyday, Parke, Shower, Cockey and Brown—38.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Milchell, Dorsey, Wells, Randall, Kent, Sellman, Weems, Bond, Brent, of Charles, Jenifer, Buchanan, John Dennis, Dashiell, Hicks, Hodson, Eccleston, Phelps, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Biser, Sappington, Nelson, Fiery, John Newcomer, Harbine, Davis, Brewer, Waters, Weber, Slicer, Fitzpatrick and Smith—46.

So the Convention refused to reconsider their vote on the 12th section.

The 16th section was then read ;

Mr. Buchanan moved as a substitute for the 16th and 17th sections the following:

There shall also be a criminal court for the city of Baltimore to be styled The Criminal court of Baltimore which shall consist of one Judge, and shall have and exercise all the jurisdiction now exercised by Baltimore city court, and the said judge shall receive

the annual salary of \$2,500 and shall be subject to the provisions of this constitution with regard to the election and qualifications of judges and their removal from office. And it shall be the duty of the Legislature at its next meeting, to provide for the sessions of said court, to be held at not greater intervals than quarterly, for the purpose of trying cases in which trial by jury may be determined by the accused; and also to provide that said court shall hold frequent sessions for the trial of cases subject to its jurisdiction in which the accused may not demand a jury trial."

Which was read.

Mr. Spencer moved for a division of the question upon each branch of said amendment;

Mr. Thomas moved for a division of the question first on striking out; and

On the question being put on striking out.

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Wells, Randall, Weems, Bond, Brent, of Charles, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Colston, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, McCullough, McCubbin, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, McHenry, John Newcomer, Davis, Waters, Weber, Parke and Cockey—51.

NEGATIVE—Messrs. Lee, Dorsey, Kent, Merrick, Howard, Hicks, Hodson, Miller, McLane, Grason, George, Wright, Thomas, Gaither, Magraw, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Neill, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Shower and Brown—38.

So the Convention agreed to strike out.

The question was then put on the motion of Mr. Spencer, on the first branch of said amendment as offered by Mr. Buchanan, down to the word "office" inclusive, in the 7th line;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Weems, Bond, Brent, of Charles, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Colston, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, Miller, McLane, Sprigg, McCubbin, Bowling,

Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Slicer, Fitzpatrick, Smith, Parke, Cockey and Brown—68.

NEGATIVE—Messrs. Grason, George, Magraw, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Hollyday and Shower—13.

So the 1st Branch of said amendment was adopted.

Mr. Buchanan with the consent of the Convention, then withdrew the second and last branch of his amendment.

The 18th section of the printed report was then read ;

Mr. Morgan moved to amend said section by striking out in the 1st line, these words: "a clerk of each county court" and inserting in lieu thereof the following :

"In each county a clerk of the circuit court ;"

Determined in the affirmative.

On motion of Mr. Ricaud,

Said section was further amended by striking out in the 2nd line the words "a plurality vote," and after the word "and" in same line, strike out "who," and insert the following :

"And the person receiving the greatest number of legal votes shall be declared and returned duly elected clerk of said circuit court ;"

Mr. Shriver, moved further to amend said 18th section by striking out in the 3d line the word "six," and inserting in lieu thereof "four ;"

Mr. Ricaud, moved for a division of the question which was put on striking out ;

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Buchanan, Chandler, Chambers, of Cecil, Miller, Shriver, Gaither, Magraw, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—24.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Sellman, Weems, Bond, Brent, of Charles, Howard, Bell, Welch, Ridgely, Lloyd, Dickinson, Colston, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McLane, Bowling, Spencer, Grason, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Annan, Sappington, Stephenson, McHenry,

Carter, Thawley, Stewart, of Caroline, Davis, Kilgour, Waters, Anderson and Hollyday—56.

So the Convention refused to strike out.

Mr. Lee moved further to amend said 18th section, by inserting after the word "and" in the 4th line, the words "shall not ;"

Determined in the negative.

On motion of Mr. Morgan,

Said 18th section was amended by striking out in 8th line, the words "who shall also be the" and insert in lieu thereof the words "and a ;"

On motion of Mr. Morgan,

Said section was further amended by striking out in the 9th line, the words "and the register in chancery of the chancery court of the city of Baltimore," also by striking out in the 11th line, the words "who shall be the clerk of the police court of Baltimore city," and insert after the word "elected" the words "as aforesaid," and striking out the words "a plurality vote ;"

Mr. Stephenson, moved further to amend said section by striking out from the word "until" in 19th line, to end of said section, and inserting in lieu thereof "the general election of delegates held next thereafter, when a clerk shall be elected to fill such vacancy;"

Mr. McHenry, moved to amend said amendment by striking out the word "general," also the words "of delegates" and insert "annual State ;"

Determined in the negative.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Stephenson ; and

Determined in the affirmative.

Mr. Chambers, of Kent, moved that said 18th section be passed over informally, and the 30th section be taken up ;

Determined in the affirmative.

On motion of Mr. Chambers, of Kent,

Said 30th section was amended by adding at the end thereof the following :

"And in all such elections the person having the greatest number of votes, shall be declared to be elected."

The said 30th section was then adopted as amended.

The Convention then resumed the consideration of the 18th section of the report ;

On motion of Mr. Morgan,

Said 18th section was amended so as to conform to the 30th section just adopted as amended.

On motion of Mr. Randall,

Said 18th section was amended by striking out from the word

"office" in 5th line, to word "there" in 7th line, and insert "on conviction in a court of law;"

The said 18th section was then adopted as amended.

Mr. Chambers, of Kent, then moved to postpone the further consideration of the order of the day, for the purpose of taking up the motion made by him in accordance with the notice given on the 1st of April, to reconsider the vote of the Convention on the section submitted by Mr. Grason, and adopted in the report of the committee on representation.

Determined in the affirmative.

On motion of Mr. Chambers, of Kent,

The Convention was called, and the Doorkeeper sent for the absent members, who after a short time had elapsed, returned and reported that he had notified the absent members that their attendance in the Convention was required.

The Convention then resumed the consideration of the motion of Mr. Chambers, of Kent, to reconsider the vote of the Convention taken on the section submitted by Mr. Grason, and adopted on the 1st of April, touching the subject of Representation.

After debate thereon;

Mr. Brown, moved the previous question, and being seconded;

The question was then put,

"Will the Convention reconsider their vote on the section submitted by Mr. Grason, and adopted on the 1st of April, touching the subject of Representation?"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Davis, Kilgour, Brewer, Waters, Anderson and Smith—44.

NEGATIVE—Messrs. Donaldson, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—52.

So the Convention refused to reconsider their vote.

Mr. Sellman, when his name was called on the yeas and nays just taken, rose in his seat and stated that he had paired off with

Mr. Dalrymple on this particular subject, he having been called home by the sickness of his family.

Mr. Chambers, of Kent, then moved that the Convention take up for consideration the proposition to district the city of Baltimore.

Mr. Buchanan, moved to lay the motion on the table;

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Schley, Fiery, John Newcomer, Davis, Kilgour, Waters and Smith—48.

So the Convention refused to lay the motion on the table.

The question was then put,

“Will the Convention proceed to the consideration of the proposition to district the city of Baltimore?”

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Annan, Schley, Fiery, John Newcomer, Davis, Kilgour, Waters and Smith—50.

NEGATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey and Brown—46.

So the convention agreed to consider the proposition to district the city of Baltimore;

Mr. Chambers, of Kent, then moved to amend said section by adding at the end thereof the following:

“In order that each and every portion of the city of Baltimore, may be fairly represented and its various interests protected in the Legislature, for the purpose of electing delegates therein, the city of Baltimore shall be divided into ten districts, as follows: The first and second wards as now laid off shall constitute district No. 1; the third and fourth wards district No. 2; the fifth and sixth wards No. 3; the seventh and eighth wards district No. 4; the ninth and tenth wards No. 5; the eleventh and twelfth wards No. 6; the thirteenth and fourteenth wards No. 7; the fifteenth and sixteenth wards No. 8; the seventeenth and eighteenth wards No. 9; the nineteenth and twentieth wards No. 10;

Which was read.

Mr. Johnson, moved to amend said amendment by adding at the end thereof the following:

“And that each county in the State and the city of Baltimore be divided into as many convenient election districts of contiguous territory, and as nearly equal in population as may be, as said county may be entitled to members of the House of Delegates, and each of said districts shall be entitled to elect one delegate.”

Mr. Thomas, then moved that the proposition offered by Mr. Chambers, of Kent, relative to districting the city of Baltimore and the proposition moved by Mr. Johnson as an amendment thereto, together with the new map of the State and the accompanying documents, be referred to a select committee to be composed of one member from each county and the city of Baltimore;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Buchanan, Bell, Welch, Chandler, Bidgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers of Cecil, McCullough, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Hawley, Stewart, of Caroline, Harbine, Michael Newcomer, Weber, Hollyday, Slicer, Fitzpatrick, Cockey and Brown—38.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent of Charles, Merrick, Jenifer, Howard, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Grason, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt.

city, Ware, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Smith, Parke and Shower—58.

So the Convention refused to commit.

At ten minutes past 3 o'clock P. M.

Mr. Spencer, moved the Convention adjourn,

Determined in the negative.

Mr. Johnson with the consent of the Convention withdrew the amendment as offered by him and then offered the following as a substitute for the amendment offered by Mr. Chambers of Kent:

"And that each county in the State and the city of Baltimore, be divided into as many convenient election districts of contiguous territory, and as nearly equal in population as may be, as such county may be entitled to members of the House of Delegates, and each of said districts shall be entitled to elect one delegate, provided that each county and city shall be divided into separate election districts of compact contiguous territory, in the manner hereafter to be provided in this constitution; the qualified voters in each of which districts shall at the time and in the manner in which delegates are chosen elect one delegate who has for one year next before his election been a resident of the district from which he shall be elected; and the residence in a district requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter otherwise qualified shall have less than six months residence in the district of his then residence, he shall not thereby lose his right to vote in the district in which he may have resided for the six months next preceding his removal;"

Which was read.

Mr. Jenifer, moved to amend said substitute by adding at the end thereof the following:

"Provided where a county has but two delegates it shall not be divided into two districts."

Mr. Brent, of Baltimore city, moved the Convention adjourn;

Determined in the negative.

Mr. Spencer, moved the previous question, and being seconded;

The question was first put on the amendment as offered by Mr. Jenifer, as a proviso to the substitute offered by Mr. Johnson;

Mr. Jenifer moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Prs't, Morgan, Blakis'one, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent of Charles, Merrick, Jenifer, Dickinson, Colston, James U. Dennis, Crisfield, Dashiell, Williams, Hodson, Goldsborough, Bowie, Tuck, Sprigg, McCubbin, Bowling, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Davis, Kilgour and Waters—40.

NEGATIVE—Messrs. Donaldson, Sellman, Howard, Buchanan,

Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, John Dennis, Hicks, Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—54.

So the amendment was rejected.

Mr. Blakistone, gave notice that he should move to reconsider the vote of the Convention just taken on said amendment.

The question then recurred upon the adoption of the substitute as offered by Mr. Johnson, for the amendment proposed by Mr. Chambers, of Kent;

Mr. Brown moved for a division of the question which was put upon striking out;

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower, Cockey, and Brown—53.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Fiery, Davis, Kilgour, Waters and Smith—43.

So the Convention agreed to strike out.

The question then recurred on the adoption of the amendment as offered by Mr. Johnson.

Mr. Merrick, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Bond, Brent, of Charles, Merrick, Jenifer, Ridgely, Crisfield, Hicks, Hodson, Eccleston, Phelps, McLane, Bowie, Sprigg, Bowling, Dirickson, McMaster, Hearn, Fooks, Thomas, Johnson, Gaither, Annan, McHenry, Schley, Fiery,

Neill, John Newcomer, Davis, Waters, Weber, Smith, Cockey and Brown—46.

NEGATIVE—Messrs. Weems, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Goldsborough, Chambers, of Cecil, McCullough, Miller, Tuck, McCubbin, Spencer, Grason, George, Wright, Jacobs, Shriver, Biser, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Parke and Shower—49.

So the amendment was rejected.

Mr. Chambers, of Kent, renewed the notice given by him on yesterday, in relation to a reconsideration of the test oath.

Mr. Brown, at five minutes past 3 o'clock, P. M.; moved the Convention adjourn.

Mr. Schley, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—43.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Annan, Stewart, of Caroline, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Davis, Kilgour, Waters, Smith and Cockey—50.

So the Convention refused to adjourn.

Mr. Schley, moved to reconsider the vote of the Convention on the amendment offered by Mr. Chambers, of Kent, and rejected by the Convention in relation to districting the city of Baltimore.

Mr. Schley moved the previous question, and being seconded, At 4 o'clock, P. M.,

Mr. Magraw, moved the Convention adjourn ;

Mr. Magraw, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Brent, of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil,

McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Brewer, Anderson, Hollyday, Slicer, Fitzpatrick, Shower and Brown—45.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Weber, Smith and Cockey—49.

So the Convention refused to adjourn.

The question then recurred upon the motion of Mr. Schley, to reconsider the vote of the Convention on the amendment offered by Mr. Chambers, of Kent, in relation to districting the city of Baltimore.

Mr. Merrick, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Merrick, Jenifer, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Annan, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters, Smith and Cockey—50.

NEGATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Parke, Shower and Brown—45.

So the Convention reconsidered their vote.

Mr. Johnson, then moved that the Convention reconsider their vote on the amendment offered by him this morning as a substitute for the amendment proposed by Mr. Chambers, of Kent, and rejected by the Convention.

Mr. Johnson moved the previous question ;

At twenty minutes past 4 o'clock, P. M.

Mr. Gwinn, moved the Convention adjourn ;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Merrick, Buchanan, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough,

Miller, McLane, Grason, George, Wright, Thomas, Shriver, Johnson, Biser, Sappington, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Anderson, Hollyday, Fitzpatrick, Parke, Shower and Brown—33.

NEGATIVE —Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Bond, Howard, Bell, Chandler, Ridgely, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, Stephenson, McHenry, Schley, Piery, Neill, Harbine, Michael Newcomer, Davis, Brewer, Waters, Slicer, Smith, and Cockey—54.

So the Convention refused to adjourn.

The question then recurred on the motion of Mr. Johnson, to reconsider the vote of the convention on the amendment offered by him as a substitute for the amendment proposed by Mr. Chambers, of Kent.

Determined in the affirmative.

The question then recurred,

Will the Convention accept the said substitute for the amendment as offered by Mr. Chambers, of Kent.

Mr. Johnson, moved for a division of the question upon striking out.

Mr. Phelps, moved the previous question.

At half-past 4 o'clock, P. M.;

Mr. Bowie, moved the Convention adjourn;

Determined in the affirmative; and

The Convention accordingly adjourned until to-morrow morning 9 o'clock.

FRIDAY, May 2nd, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Mitchell submitted the following order, which was read and adopted :

Ordered by the Convention, That the committee on Accounts allow James Brantsell, one dollar and fifty cents per day, commencing from first of the session, for lighting lamps and attending to cleaning the Hall of the State House.

Mr. Wells, chairman of the committee on Corporations, rose and said that he had been instructed by a majority of the committee on Corporations, to whom various subject matters had been referred, to report verbally that the committee had been unable to agree upon any report thereon.

This statement, Mr. Wells said, was made verbally because under a rule of this convention the committee was precluded from submitting their reasons in writing.

The notice was ordered to be entered on the journal.

The convention then resumed the consideration of the unfinished business of yesterday, being the amendment offered by Mr. Howard, on the 30th ult. to the 22nd rule;

On motion of Mr. Howard,

The convention postponed the further consideration of said amendment.

Mr. Randall, from the committee of Revision, submitted a report in relation to attornies for the State in each county and the city of Baltimore ;

Which on his motion was ordered to be printed in bill form.

Mr. McHenry, from the committee respecting the appointment, tenure of office, duties and compensation of civil officers not embraced in the duties of other standing committees, submitted the following amendments which he desired should be entered upon the record :

Sec. 5. A Superintendent of State Prisons, with an annual salary of fifteen hundred dollars, shall be elected at the general election which will be held next after the adoption of this constitution, and at every general State election thereafter last preceding the expiration of the term for which the incumbent had been elected or appointed. The superintendent of the State Prison shall hold his office for the term of four years from the first day of January succeeding his election, and until his successor shall have entered upon the discharge of his duties. He shall have the charge and superintendence of the State Prisons, and appoint all the subordinate officers therein. Any vacancy occurring in the office

of such superintendant, shall be filled by the Governor till the next ensuing first day of January.

Sec. 6. The General Assembly shall provide for such clerks and other ministerial agents as they may deem requisite to enable the different constitutional officers properly to discharge their respective functions, but shall have no power to establish any civil offices of a general character, except by act, which shall not go into operation until sanctioned by a majority of the electors at a general State election, and re-enacted at the succeeding session of the Legislature.

Sec. 7. All existing State officers, not expressly continued by other provisions of this constitution, shall hold their offices until the expiration of their present commissions, or until the first day of January eighteen hundred and fifty-three, which ever shall first occur. And every civil office of a general character, which is not specially provided for in this constitution, shall be abolished from and after the last mentioned date.

Mr. Wells, chairman of the committee on Accounts, submitted the following report :

The committee of Accounts respectfully report for the consideration of the convention the annexed resolution for the payment of \$2,226.99; the amount of various claims for Stationery, Newspapers, &c., which were referred to the committee per order of the board of the 21st ult., which claims with the vouchers are herewith filed.

Respectfully submitted,

G. WELLS,
W. WILLIAMS,
EDW'D LLOYD,
ALEX. NEILL, JR.,
ELIAS WARE, JR.,

Committee of Accounts.

Resolved, That the accompanying accounts from No. 1 to No. 19 inclusive, be paid by the orders of the President of the Convention, on the Treasurer of the State, in favor of the persons entitled to receive the same.

Which was read and adopted.

Mr. Johnson, moved to postpone the final adjournment of the convention until Monday week the 12th inst.;

Determined in the affirmative.

The convention then resumed the consideration of the unfinished business of yesterday, being the propositions relative to distracting the city of Baltimore and the several counties of this State ;

The question pending before the convention on yesterday, being on the motion of Mr. Phelps for the previous question ;

Mr. Phelps withdrew his motion.

Mr. Johnson with the consent of the Convention withdrew the substitute offered by him on yesterday, and submitted the following in lieu of it, as an amendment to come in at the end of the amendment offered by Mr. Chambers of Kent :

“And that each county in the State be divided into as many convenient election districts of contiguous territory, and as nearly equal in population as may be, as such county may be entitled to members of the House of Delegates, and each of said districts shall be entitled to elect one delegate, provided that each county and city shall be divided into separate election districts of compact contiguous territory, in the manner hereafter to be provided in this constitution; the qualified voters in each of which districts shall at the time and in the manner in which delegates are chosen elect one delegate who has for one year next before his election been a resident of the district from which he shall be elected; and the residence in a district requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter otherwise qualified shall have less than six months residence in the district of his then residence, he shall not thereby lose his right to vote in the district in which he may have resided for the six months next preceding his removal;”

Which was read.

Mr. Thomas offered as a substitute for the amendment as offered by Mr. Chambers of Kent, and the amendment proposed by Mr. Johnson, the following :

“In order that each and every portion of the State may be fairly represented and its various interests protected in the Legislature for the purpose of electing delegates therein, the city of Baltimore and each county in the State shall be divided into separate election districts of compact, contiguous territory, in the manner hereafter to be provided in this constitution; the qualified voters in each of which districts shall at the time and in the manner in which delegates are chosen, elect one delegate, who has for one year next before his election been a resident of the district from which he shall be elected; and the residence in a district, requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter, otherwise qualified shall have less than six months residence in the district of his then residence, he shall not thereby lose his right to vote in the district in which he may have resided for six months next preceding his removal;”

Which was read.

The President stated that the amendment offered by Mr. Johnson being pending, the substitute offered by Mr. Thomas was not in order;

Mr. Thomas then withdrew his substitute.

After debate;

Mr. Howard, moved the previous question, which motion he waived to enable Mr. Brent of Balt. city, to offer the following as

a substitute for the amendment offered by Mr. Chambers of Kent, and the amendment proposed by Mr. Johnson:

“ It shall be the duty of the Legislature at its first session after the adoption of this constitution, to pass a bill for taking the sense of the qualified voters of this State at the next ensuing general election of delegates, touching the basis of representation in the House of Delegates, and providing that at such election the voters shall vote for or against “population as the basis;” and if a majority of the votes as then cast shall be for population as the basis, the Legislature at its next ensuing session, shall proceed to re-apportion the representation in the House of Delegates upon the basis of population according to federal numbers or upon gross population, so as to elect delegates upon such basis by general ticket in each county and the city of Baltimore; and if a majority of the ballots cast at such general election shall have inscribed on them the words “district the State,” then the Legislature shall divide the whole State into contiguous and compact districts equal as near as may be to each other in respect to population ;”

Which was read.

The President stated that an amendment being pending to the original proposition, the substitute offered by Mr. Brent of Balt. city, was not in order;

From which opinion of the chair, Mr. Brent of Balt. city, appealed ;

The question was then put,

Shall the opinion of the chair stand as the judgment of the convention ?

Determined in the affirmative.

Mr. Howard then renewed his motion for the previous question;

On motion of Mr. Morgan,

The Convention was called.

On motion of Mr. Sherwood of Balt. city,

Further proceedings under the call was dispensed with.

The question then recurred on the motion of Mr. Howard, for the previous question, that is :

Shall the main question be now put?

Mr. Bowie moved the question be taken by yeas and nays;

Which motion was not sustained.

The motion for the previous question being seconded ;

The question was then put on the amendment offered by Mr. Johnson to the amendment proposed by Mr. Chambers of Kent;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey,

Wells, Randall, Kent, Sellman, Brent, of Charles, Merrick, Jenifer, Howard, Bell, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Hicks, Hodson, Eccleston, Chambers of Cecil, McCullough, McLane, Sprigg, Bowling, Spencer, Hearn, Fooks, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Brewer, Anderson, Weber, Fitzpatrick, Smith, Shower, Cockey, and Brown—63.

NEGATIVE—Messrs. Morgan, Weems, Bond, Buchanan, Welch, John Dennis, James U. Dennis, Crisfield, Dashiell, Williams, Goldsborough, Phelps, Miller, Bowie, Tuck, McCubbin, Grason, George, Wright, Dirickson, McMaster, Jacobs, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart of Caroline, Kilgour, Waters, Hollyday and Parke—31.

So the amendment was adopted.

The question then recurred upon the adoption of the amendment as amended;

Mr. Johnson moved for a division of the question upon each branch of said amendment;

The question was then put on the first branch of said amendment, being in these words:

“In order that each and every portion of the city of Baltimore, may be fairly represented, and its various interests protected in the Legislature, for the purpose of electing delegates therein, the city of Baltimore shall be divided into ten districts;

Mr. Johnson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hope-well, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Brent of Charles, Merrick, Jenifer, Ridgely, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas Johnson, Gaither, Annan, McHenry, Magraw, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters, Smith and Cockey—52.

NEGATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Dickinson, Sherwood of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Shriver, Biser, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower and Brown—40.

So the first branch of the amendment was adopted.

The question was then put on the second branch of said amendment being in these words "as follows, the first and second wards as now laid off shall constitute the district No. 1; the third and fourth wards district No. 2; the fifth and sixth wards district No. 3; the seventh and eight wards district No. 4; the ninth and tenth wards No. 5; the eleventh and twelfth wards No. 6; the thirteenth and fourteenth wards No. 7; the fifteenth and sixteenth wards No. 8; the seventeenth and eighteenth wards No. 9, the nineteenth and twentieth wards No. 10."

On motion of Mr. Spencer,

The yeas and nays were ordered and appeared as follows:"

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Howell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Drickson, McMaster, Hearn, Fooks, Jacobs, Fiery, John Newcomer, Davis, Kilgour, Waters and Smith—43.

NEGATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent of Baltimore city, Sherwood of Balt. city, Ware, Schley, Neill, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—50.

So the 2nd branch of said amendment was rejected.

The question then recurred on the 3rd branch of the amendment, being in these words: "and that each county in the State be divided into as many convenient election districts of contiguous territory, and as nearly equal in population as may be, as such county may be entitled to members of the House of Delegates, and each of said districts shall be entitled to elect one delegate, provided that each county and city shall be divided into separate election districts of compact contiguous territory, in the manner hereafter to be provided in this constitution; the qualified voters in each of which districts shall at the time and in the manner in which delegates are chosen elect one delegate, who has for one year next before his election been a resident of the district from which he shall be elected; and the residence in a district requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter otherwise qualified shall have less than six months residence in the district of his then residence, he

shall not thereby lose his right to vote in the district in which he may have resided for the six months next preceding his removal."

Mr. Tuck moved for a division of the question upon the 3rd branch of the amendment down to the word "constitution" in the 8th line inclusive;

Mr. Tuck, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Dorsey, Randall, Sellman, Brent, of Charles, Merrick, Howard, Bell, Welch, Chandler, Ridgely, Lloyd, Pickinson, Sherwood of Talbot, Colston, Chambers, of Cecil, McCullough, McLane, Spencer, Thomas, Shriver, Johnson, Gaither, Biser, Annan, McHenry, Magraw, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Anderson, Weber, Smith, Cockey and Brown—38.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Howell, Ricaud, Lee, Chambers, of Kent, Mitchell, Wells, Kent, Weems, Bond, Jenifer, Buchanan, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Davis, Kilgour, Waters, Hollyday, Fitzpatrick, Parke and Shower—55.

So the 3rd branch of said amendment was rejected.

Mr. Johnson with the consent of the Convention, then withdrew the 4th and last branch of the amendment.

Mr. McHenry, moved the convention reconsider their vote taken on the 1st branch of the amendment;

Determined in the affirmative.

The question then recurred on the adoption of the amendment;

On motion of Mr. Chambers of Kent,

Said amendment was amended by adding at the end thereof the following:

"The Legislature at its first session shall pass such laws as may be necessary to lay off the city of Baltimore into ten districts to be composed of compact contiguous wards, and as nearly as may be of equal population;"

Mr. Thomas then offered as a substitute for said amendment as amended, the following:

"In order that each and every portion of the State may be fairly represented and its various interests protected in the Legislature for the purpose of electing delegates therein, each county in the State and the city of Baltimore shall be divided into separate election districts of compact, contiguous territory, in the manner hereafter to be provided in this constitution; the qualified voters in each of which districts shall at the time and in the manner in

which delegates are chosen, elect one delegate, who has for one year next before his election been a resident of the district from which he shall be elected; and the residence in a district, requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter, otherwise qualified shall have less than six months residence in the district of his then residence, he shall not thereby lose his right to vote in the district in which he may have resided for six months next preceding his removal;"

Which was read.

Mr. Thomas, moved the previous question, and being seconded;
The question was put,

Will the Convention accept the substitute as offered by Mr. Thomas for the amendment of Mr. Chambers of Kent, as amended.

On motion of Mr. Thomas,

The yeas and nays were ordered and appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—52.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Davis, Kilgour and Waters—39.

So the convention accepted the substitute.

The question then recurred on the adoption of the amendment as an article in the constitution;

Mr. Johnson, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Dorsey, Wells, Randall, Sellman, Merrick, Bell, Chandler, Ridgely, McLane, Fooks, Thomas, Johnson, Gaither, Annan, McHenry, Magraw, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Smith, Cockey and Brown—27.

NEGATIVE—Messrs. Chapman, Pr'st, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Kent, Weems, Bond, Brent of Charles, Jenifer, Howard, Buchanan, Welch, Lloyd, Dickinson, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough,

Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer Grason, George, Wright, Dirickson, McMaster, Hean, Jacobs, Shriver, Biser, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Hollyday, Fitzpatrick, Parke and Shower—67.

So the amendment was rejected.

Mr. Chambers, of Kent, moved the Convention, reconsider their vote striking out the amendment offered by him.

At 10 minutes of 4 o'clock, P. M.;

Mr. Thomas, moved the Convention adjourn,

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Bond, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Dickinson, Sherwood, of Talbot, Colston, Chambers, of Cecil, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower and Brown—48.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Waters and Smith—45.

The Convention accordingly adjourned until to-morrow morning 9 o'clock.

SATURDAY, May 3rd, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The proceedings of yesterday were read.

Mr. Sherwood, of Balt. city, presented two petitions signed by sundry citizens of the city of Baltimore, praying the Convention to incorporate into the new constitution provision that the privilege to sell intoxicating liquors in small quantities shall not be granted to any person in any part of the State or city, except the same shall be first sanctioned or approved by a majority of the voters in the county, election district or ward where the same is to be sold;

Which were read and severally referred to the select committee appointed on that subject.

Mr. Stewart, of Balt. city, gave notice that on Monday next, he should ask the consent of the Convention to move to reconsider the vote of the Convention on those sections of the judicial report which relate to the organization of courts in the city of Baltimore;

The Convention then resumed the consideration of the unfinished business of yesterday, being the propositions relative to districting the city of Baltimore and the several counties of this State;

The question pending before the Convention on yesterday, being on the motion of Mr. Chambers, of Kent, to reconsider the vote of the Convention striking out the amendment offered by him;

Mr. John Newcomer, moved to postpone the consideration of the motion until Thursday next, the 8th inst.;

Mr. Merrick, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Hicks, Hodson, Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Tuck, McCubbin, Spencer, Grason, George, Wright, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—66.

NEGATIVE—Messrs. Morgan, Dent, Hopewell, Kent, Weems, Bond, Brent, of Charles, Merrick, James U. Dennis, Goldsborough, Bowie, Sprigg, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Gaither, Schley, Fiery, Kilgour and Waters—24.

So the Convention agreed to postpone the motion until Thursday next.

On motion of Mr. Stephenson,

The Convention then resumed the consideration of the unfinished order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

Mr. Ricaud, moved to amend said report by inserting as an additional section, to come in as the 19th section the following :

“That the clerk of the court of appeals, the clerks of the circuit courts in the several counties shall respectively perform all the duties and be entitled to the fees which appertain to the offices of the clerks of court of appeals for the eastern and western shores and of the clerks of county courts, and the clerks of the court of common pleas, the supreme courts, and the criminal court for Baltimore city shall perform all the duties appertaining to their respective offices, and heretofore vested in the clerk of Baltimore county court and Baltimore city court respectively, and be entitled to all the fees now allowed by law; and all laws relating to the clerks of court of appeal clerks of the several county courts and Baltimore city court, shall be applicable to the clerks respectively of the clerk of court of appeals, the circuit courts, the court of common pleas, the superior court and the criminal court of Baltimore city until otherwise provided by law; and the said clerks when duly elected and qualified according to law shall have the charge and custody of the records and other papers belonging to their respective offices.”

Which was read.

Mr. Brent of Baltimore city offered as a substitute for the 19th section of said report the following :

“The Legislature shall at its first session adopt, and from time to time thereafter as may be deemed necessary, some simple and uniform system of charges and fees to be paid to all clerks of courts and registers of wills, and at the same time providing that the surplus of all fees and charges received over and above such amount as may be limited by law, shall be paid into the Treasury of the city of Baltimore, and of each county respectively.”

Which was read.

Mr. Stewart of Balt. city, moved that the consideration of said section and amendment be postponed until Monday next, the 5th instant;

Determined in the affirmative.

The 20th section was then read.

On motion of Mr. Dorsey,

Said section was amended by striking out in 2nd line the words “to be,” and in the 3rd line by striking out the word “and;”

On motion of Mr. Spencer,

Said section was further amended by striking out in the 2nd line the words "a plurality vote of," and in the 3rd line strike out "qualified ;"

Mr. John Newcomer moved to amend said section by striking out in the 4th line the word "six" and inserting in lieu thereof "four,"

Determined in the negative.

Mr. John Newcomer moved the question be taken by yeas and nays;

Which motion was not sustained.

Mr. Lee then moved to amend said section by inserting after the word "and" in the 5th line, the words "shall not," and after the word "thereto" in the same line, the words "for six years thereafter."

Mr. Wells, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Dashiell and Hicks—4.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hope-well, Ricaud, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Bond, Brent, of Charles, Merrick, Howard, Buchanan, Bell, Welch, Ridgely, Dickinson, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Hodson, Goldsborough, Eccleston, Phelps, Chambers, of Cecil, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Herrn, Fooks, Jacobs, Thomas, Annan, Sappington, Stephenson, Magraw, Nelson, Carter, 'I hawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—79.

So the amendment was rejected.

Mr. Fitzpatrick moved to amend said 20th section by striking out from the word "shall" in the 8th line down to the word "law" in the 10th line, and inserting the following:

"Shall regulate and graduate the fees and perquisites so as to allow a fair compensation for his services."

Mr. Spencer moved to amend said section by striking out from the words "The Legislature," in the 7th line to the word "law" inclusive in the 10th line.

Mr. Brent of Baltimore city moved to postpone the further consideration of said section and amendments.

Determined in the negative.

Mr. Ridgely moved to amend the amendment offered by Mr. Fitzpatrick, by adding at the end thereof the following:

"Provided no Register shall receive a greater compensation for his services than the sum of \$2500 per annum, but the Legislature

may provide for the expenses of the office such compensation to be paid out of the fees of office as may be reasonable and proper."

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Mitchell, Donaldson, Doisey, Sellman, Weems, Bond, Brent, of Charles, Merrick, Jenifer, Howard, Bell, Welch, Ridgely, Dickinson, Colston, John Dennis, James U. Dennis, Eccleston, Chambers, of Cecil, McCullough, Miller, Bowie, Tuck, Sprigg, Bowling, Dirickson, McMaster, Hearn, Fooks, Thomas, Shriver, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Neill, Kilgour, Waters, Hollyday, Cockey and Brown—52.

NEGATIVE—Messrs. Lee, Wells, Sherwood, of Talbot, Dashiell, Hicks, Spencer, Grason, George, Wright, Sappington, Thawley, Brent, of Balt. city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Smith and Shower—24.

So the amendment to the amendment was adopted.

On motion of Mr. Shriver, it was

Ordered, That it be entered on the Journal that the absence of Mr. Biser from the Convention is occasioned by indisposition.

The question then recurred upon the amendment as offered by Mr. Fitzpatrick, and amended on the motion of Mr. Ridgely;

Mr. Howard, moved to amend said amendment as amended by adding at the end thereof the following: "and in case the receipts in any one office shall exceed these allowances and compensation, the fees in that office shall be proportionably reduced."

Mr. Howard, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Hopewell, Ricaud, Mitchell, Donaldson, Randall, Howard, Bell, Welch, Ridgely, Dickinson, Sherwood, of Talbot, Colston, Bowie, Sprigg, Bowling, Wright, McHenry, Gwinn, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Fitzpatrick and Cockey—31.

NEGATIVE—Messrs. Dent, Lee, Dorsey, Wells, Kent, Sellman, Weems, Bond, Brent, of Charles, Merrick, Jenifer, John Dennis, James U. Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Miller, Spencer, Grason, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Annan, Stephenson, Magraw, Nelson, Thawley, Stewart, of Caroline, Stewart, of Balt. city, Brent, of Balt. city, Ware, Kilgour, Waters, Weber, Hollyday, Smith, Shower and Brown—45.

So the amendment was rejected.

The question again recurred on the adoption of the amendment as offered by Mr. Fitzpatrick, and amended on the motion of Mr. Ridgely;

Mr. Spencer, moved for a division of the question which was put upon striking out; and

Determined in the affirmative.

The question then recurred on the adoption of the amendment as offered by Mr. Fitzpatrick, and amended on the motion of Mr. Ridgely;

Mr. Harbine offered as a substitute for said amendment the following:

“At its first session after the adoption of this constitution reduce and so graduate the fees and perquisites of the Registers of Wills in the several counties and city of Baltimore, that no one of them shall receive more than a fair and reasonable compensation for performing the duties of his office;”

Which was read.

On the question being put,

“Will the Convention accept said substitute?”

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Dickinson, Sherwood, of Talbot, Tuck, Grason, George, Fooks, Jacobs, Thomas, Shriver, Stephenson, Magraw, Nelson, Carter, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson and Parke—22.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Dent, Hopewell, Ricaud, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Brent, of Charles, Jenifer, Howard, Bell, Welch, Ridgely, John Dennis, James U. Dennis, Dashiell, Hicks, Goldsborough, Phelps, McCullough, Miller, Bowie, Sprigg, Wright, Dirickson, McMaster, Johnson, Gaither, Annan, McHenry, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Waters, Weber, Hollyday, Fitzpatrick, Smith, Shower, Cockey and Brown—48.

So the Convention refused to accept the substitute.

The question again recurred on the adoption of the amendment as offered by Mr. Fitzpatrick, and amended on the motion of Mr. Ridgely;

Mr. Howard, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Dent, Hopewell, Ricaud, Chambers, of Kent, Dorsey, Howard, Bell, Welch, Ridgely, John Dennis, James U. Dennis, Grason, George, McMaster, Thomas, Shriver, Johnson, Annan, Stephenson, Nelson, Carter,

Gwinn, Stewart, of Balt. city, Schley, Fiery, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Cockey and Brown—33.

NEGATIVE—Messrs. Chapman, Pres't, Lee, Mitchell, Wells, Randall, Kent, Weems, Bond, Brent, of Charles, Merrick, Jenifer, Dickinson, Sherwood, of Talbot, Dashiell, Hicks, Hodson, Goldsborough, Phelps, Miller, Bowie, Tuck, Sprigg, Spencer, Wright, Dirickson, Fooks, Jacobs, Gaither, McHenry, Thawley, John Newcomer, Harbine, Michael Newcomer, Waters, Smith, Parke and Shower—37.

So the amendment was rejected.

Mr. Stephenson moved to amend said 20th section by striking out after the word "until" in the 12th line, to the end of said section, and inserting in lieu thereof the following :

"The general election next thereafter for delegates to the General Assembly, when a register shall be elected to fill such vacancy;"

Determined in the affirmative.

The said 20th section was then adopted as amended.

Mr. Merrick, moved to amend said report of the committee by inserting as the 21st section thereof the following:

"The Legislature shall at its first session after the adoption of this constitution adopt some simple and uniform system of charges in the offices of Clerks of courts and Registers of Wills in the counties of this State, and the city of Baltimore, and for the collection thereof, and for the allowances and payment to said officers respectively of fixed annual salaries, not to exceed two thousand dollars, and such additional allowances as the local authorities may judge necessary and proper, with reference to the amount of business to be done for the compensation of assistants;"

Which was read.

Mr. Bowie, moved to amend said amendment by striking out the words "two thousand," and insert in lieu thereof "twenty-five hundred;"

Mr. Spencer, moved for a division of the question upon striking out;

Mr. John Newcomer, offered as a substitute for said amendment the following:

"The Legislature at its first session after the adoption of this constitution shall reduce and so graduate the fees and perquisites of the several Clerks of the courts of common law and equity, and Registers of Wills of this State, that no one of them shall receive more than a fair and reasonable compensation for performing the duties of his office;"

Which was read.

Mr. Grason, moved the Convention adjourn;

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Dorsey, Wells, Randall, Kent, Bond, Bell, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Hicks, Hodson, Miller, Bowie, Tuck, Sprigg, Grason, George, Wright, Hearn, Fooks, Shriver, Johnson, Gaither, Annan, Gwinn, Kilgour, Waters, Anderson, and Hollyday—31.

NEGATIVE—Messrs. Morgan, Dent, Hopewell, Weems, Welch, Dashiell, Spencer, Dirickson, Jacobs, Stephenson, McHenry, Magraw, Thawley, Sherwood, of Balt.city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Parke Shower and Cockey—25.

So the Convention accordingly adjourned until Monday morning, half-past 11 o'clock.

MONDAY, May 5th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

The proceedings of Saturday were read.

The Convention then resumed the consideration of the unfinished order of the day, being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending before the Convention on Saturday, being on the substitute offered by Mr. John Newcomer, for the amendment proposed by Mr. Merrick, as the 21st section of the report.

Mr. Dent, offered as a substitute for said amendment and substitute the following :

“The Legislature at its first or second session after the adoption of this constitution shall establish by law a uniform system of fees to be received by the Clerks of courts of record, and Registers of Wills throughout the State, as compensation for the discharge of the duties of their respective offices, until the Legislature shall do this, they shall be entitled to receive such fees as are now authorised by law;”

Which was read.

On motion of Mr. Spencer,

The Convention was called and the Doorkeeper sent for the absent members.

Mr. Stewart, of Balt. city, renewed the notice given by him on Saturday, of his intention to move to reconsider the vote of the Convention on those sections of the Judicial report which relate to the organization of courts in the city of Baltimore, and also gave notice that he should offer the following amendments, which he desired to be entered upon the record:

"There shall be established for the city of Baltimore one court of law to be styled the Court of Common Pleas, which shall have civil jurisdiction in all suits where the debt or damage claimed shall be above one hundred dollars, and shall not exceed five hundred dollars, and shall also have jurisdiction in all cases of appeal from the judgments of the justices of the peace in said city.

There shall also be in said city another court of law having jurisdiction over all suits where the debt or damage claimed shall exceed the sum of five hundred dollars, and in case any plaintiff or plaintiffs shall recover in said court less than the sum of five hundred dollars, he or they may be allowed or adjudged to pay in the discretion of the court the costs of said suit, this court shall be styled the Superior Court, and in addition to the jurisdiction hereby conferred, shall have and exercise jurisdiction in all applications for the benefit of the insolvent laws of this State, and of the administration of the estates of insolvent debtors, and the appointment and supervision of the trustees thereof, and the said court shall also have and exercise jurisdiction as a court of equity.

Sec. 13. There shall also be in said city a court to be styled the District Court of Balt. city, which shall have in said city exclusive jurisdiction as a court of law over all cases of mandamus quo warranto of appeal from the decision of commissioners, for the opening of streets in the city of Baltimore, of petitions for freedom and petitions to cancel or enforce contracts of apprenticeship, of all issues from the Orphans' court of Baltimore city, and from the Superior court, and shall also have jurisdiction over all other controversies proper to be decided in a court of law, which have not heretofore been assigned to the court of common pleas or the superior court, and the said court as incidental to its powers as a court of law is hereby vested with full power and authority to cause a jury to be summoned, whenever a jury may be required for the business of said court; the District court of Baltimore city, within the city of Baltimore, shall also have and exercise all the jurisdiction of a court of equity, as now held and exercised in this State, or as may be hereafter conferred or defined by the Legislature.

Each of the said three courts shall consist of one judge to whom the salary of \$2,500 per annum shall be paid or rateably for a lesser period, shall hold his office for the term of ten years, subject to the provisions of this constitution, which have reference to the election and qualification of judges and their removal from office.

There shall be a clerk of the court of common pleas, a clerk of the superior court, and a clerk of the district court of Baltimore

city, each of whom shall be elected by the qualified voters of the city of Baltimore, shall hold his office for the term of six years from the time of his election, and until a new election is held, and shall be re-eligible.

Each of the said clerks shall be subject to removal for wilful neglect of duty, or other misdemeanor in office, upon presentment of a grand jury, and conviction of a petit jury.

The clerk of the superior court shall have authority to issue within the city of Baltimore, all marriage and other licenses required by law, subject to such provision as this constitution or the legislature hereafter may prescribe.

The clerk of the district court of Baltimore city shall have custody of all deeds, conveyances and other papers now remaining of record in the office of the clerk of Baltimore county court, and shall hereafter receive and record all deeds, conveyances and other papers, which are required by law to be recorded in the said city. ¶

He shall also have custody of all other papers connected with proceedings on the law or equity side of Baltimore county court, and with the dockets thereof, so far as the same have relation to Baltimore city.

On motion of Mr. Dent,

Further proceedings under the call of the Convention was dispensed with.

The question then recurred upon the adoption of the substitute as offered by Mr. Dent, for the amendment offered by Mr. Merrick, and the substitute offered by Mr. John Newcomer.

On motion of Mr. Bowie,

Said amendment and substitutes were postponed informally.

The 21st section of the report of the committee was then read.

Mr. Spencer, moved to amend said section by striking out all from the beginning of said section down to the word "be," in the 3rd line, and inserting in lieu thereof the following :

"The Legislature shall prescribe the number of Justices of the Peace in each of the counties in this State and in the city of Baltimore, who shall ;"

Mr. Bowie, moved to strike out the 21st section of the report, and substitute in lieu of it the following:

"Justices of the Peace and Constables of this State for the several counties and the city of Baltimore, shall be elected by the qualified voters of the county or city for which the election may be held, and shall hold their offices for the term of two years, and until their successors shall have been elected and shall have qualified, and the General Assembly shall by law prescribe the number of Justices of the Peace and Constables for each county and city, their duties and emoluments, the time, place and manner of holding elections, the mode of making returns thereof, rules for determining contested elections, for certifying the election and

qualification of the person elected, and for filling all vacancies which may occur, but no person shall be a Justice of the Peace and Constable, for any county or city who shall not be entitled to vote therein at the time of the election ;”

Which was read.

The question recurred upon the amendment as offered by Mr. Spencer.

On motion of Mr. Shriver,

Said amendment was amendment by inserting after “Justices of the Peace,” the words “and Constables;”

The question then recurred upon the adoption of the amendment as amended.

Mr. Weems, moved for a division of the question upon each branch of said amendment.

The question was then put on the first branch of said amendment, being in these words, “The Legislature shall prescribe the number of justices of the peace and constables in each of the counties in this State and in the city of Baltimore ;”

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Randall, Weems, Dalrymple, Howard, Lloyd, Colston, Phelps, McCollough, Miller, Spencer, Grason, George, Wright, Shriver, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Baltimore city, Ware, Fiely, Anderson, Parke, Shower and Brown—28.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Dorsey, Bond, Buchanan, Bell, Sherwood, of Talbot, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Bowie, Sprigg, Bowling, Dinickson, McMaster, Hearn, Fooks, Jacobs, Gauthier, Annan, Stephenson, McHenry, Nelson, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Fitzpatrick, Smith and Cockey—43.

So the 1st branch of the amendment was rejected.

Mr. Hollyday, moved to amend said 21st section by striking out from the beginning of said section to the word “Baltimore,” inclusive, in the 3rd line and inserting in lieu thereof, the following:

“Before every election of justices of the peace under this constitution, it shall be the duty of the county commissioners to apportion amongst election districts in each county the number of justices of the peace necessary to discharge the public business.”

On motion of Mr. Phelps,

Said amendment was amended by inserting after the words, “Justices of the Peace,” the words “and Constables ;”

The question then recurred on the adoption of the amendment as amended ;

Mr. Hollyday, with the consent of the Convention modified his amendment by inserting after the word "Commissioners," the words "and the city of Baltimore ;"

The question again recurred and was put on the adoption of the amendment as amended ; and

Determined in the negative.

Mr. Fooks, then moved to amend said 21st section by striking out all from the beginning of said section to the word "the," in the 3rd line, and inserting in lieu thereof the following :

"There shall be two Justices of the Peace in each election district of every county in the State, and each ward in the city of Baltimore respectively, having one hundred voters, and one additional justice for each additional two hundred voters elected by ;"

Determined in the negative.

Mr. Stephenson, then moved to amend said 21st section by striking out from the beginning of said section down to the word "respectively," in the 4th line inclusive, and inserting in lieu thereof the following :

"There shall be elected for each of the wards of the city of Baltimore and for each of the election districts of the several counties of this State, by the voters thereof respectively, such numbers of Justices of the Peace and Constables as may be fixed and regulated by the Legislature at its first session ;"

Which was read.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Ricaud, Lee, Chambers, of Kent, Dorsey, Randall, Howard, Buchanan, Bell, Lloyd, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, McCullough, Miller, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Jacobs, Shriver, Annan, Stephenson, McHenry, Magraw, Stewart, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Anderson, Fitzpatrick, Parke and Cockey—45.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Hopewell, Wells, Weems, Sherwood, of Talbot, Colston, Bowie, Tuck, Sprigg, Bowling, Fooks, Gaither, Thawley, Stewart, of Caroline, Carter, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Brewer, Weber, Hollyday, Smith, Shower and Brown—26.

So the amendment was adopted.

The question then recurred upon the adoption of the substitute as offered by Mr. Bowie, for the 21st section of the report.

Mr. Weems, offered as a substitute for said section and substitute the following :

"Magistrates, Constables, Coroners and Elizors shall be appointed as now prescribed by law, or in such manner as the General Assembly may direct;"

Which was read.

Mr. Weems, moved the question be taken by yeas and nays,
Which motion was not sustained,

The question was then put,

Will the Convention accept the substitute offered by Mr. Weems, for the 21st section of the report and substitute offered therefor by Mr. Bowie? and

Determined in the negative.

The question then recurred and was put,

Will the Convention accept the substitute as offered by Mr. Bowie, for the 21st section of the report of the committee as amended on the motion of Mr. Stephenson.

Mr. Bowie, with the consent of the convention modified said substitute by striking out after the word "the," in the 2nd line the words "county and city," and inserting in lieu thereof these words "Several election districts of the counties and of the wards of the said city respectively," and also by inserting after the word "duties," in the 7th line the word "jurisdiction."

Mr. Thawley, moved to amend said 21st section by striking out the word "two" in the 4th line and inserting "four."

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pr't, Ricaud, Lee, Chambers, of Kent, Dorsey, Randall, Weems, Sherwood of Talbot, Dashiell, Williams, Hodson, Goldsborough, Bowling, Spencer, George, Fooks, Jacobs, Shriver, Gaiter, Annan, McHenry, Magraw, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Ware, Michael Newcomer, Anderson and Smith—31.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Wells, Bond, Howard, Buchanan, Bell, Welch, Lloyd, Colston, John Dennis, James U. Dennis, Phelps, McCullough, Miller, Bowie, Sprigg, Grason, Wright, McMaster, Stephenson, Stewart, of Balt. city, Brent, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—38.

So the amendment was rejected.

The question again recurred upon the adoption of the substitute as offered by Mr. Bowie.

Mr. John Newcomer, offered as a substitute for said substitute the following:

"The Legislature at its first session after the adoption of this constitution shall provide by law for the election of Justices of the

peace, coroners, constables and supervisors of the public roads, by the qualified voters of the several counties and the city of Baltimore of this State."

Which was read.

On the question being put, will the convention accept said substitute?

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Weems, Welch, McCullough, Grason, Shriver, Gaither, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer and Anderson—19.

NEGATIVE—Messrs. Chapman, Prs't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Dorsey, Wells, Randall, Dalrymple, Bond, Howard, Buchanan, Bell, Lloyd, Sherwood of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Williams, Hicks, Goldsborough, Phelps, Miller, Bowie, Sprigg, Bowling, Spencer, George, Wright, Dirickson, McMaster, Fooks, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Schley, Brewer, Waters, Weber, Hollyday, Fitzpatrick Smith, Parke, Cockey and Brown—52.

So the Convention refused to accept the substitute.

Mr. Dent, then offered as a substitute for said substitute the following:

"The Legislature shall determine how many justices of the peace each county and the city of Baltimore shall have. They shall be appointed by the Governor of the State, by and with the consent of the Senate for the term of two years, and shall be apportioned among the several election districts of the counties, and wards of the city of Baltimore as shall be directed by the Legislature."

Determined in the negative.

Mr. Dent, moved for the yeas and nays:

Which motion was not sustained.

The question again recurred on the adoption of the substitute as offered by Mr. Bowie, for the 21st section of the report.

Mr. Stephenson, moved to amend the 21st section of printed report, by striking out after the word "peace," in the 9th line to the word "thereof" inclusive in the 11th line, and inserting the following:

"The Governor shall appoint a person to serve as Justice of the Peace, until the next regular election for justices of the Peace and in case of a vacancy in the office of Constable, the county commissioners of the county in which a vacancy may occur, shall appoint a person to serve as constable, until the next regular election thereafter for constables;"

Mr. Stephenson, moved the question be taken by yeas and nays,

Which motion was not sustained.

The question was then put on the adoption of the amendment, and

Determined in the affirmative.

On motion of Mr. McHenry,

Said 21st section of the report was further amended by striking out in the 8th line thereof the words "civil and criminal jurisdiction;" and inserting in lieu thereof the words "duties and compensation;"

On motion of Mr. Bowie,

Said 21st section of report was further amended by striking out in the 12th line the words, "the Judges of;"

On motion of Mr. Spencer,

Said section was further amended by striking out from the word "jury" in the 15th line to the end of said section.

Mr. Bowie, then withdrew the substitute offered by him for said section.

On motion of Mr. Randall,

Said section was further amended by inserting after the words "may be, "in the 14th line these words, "according to the laws as are now or may hereafter be enacted;"

Mr. Stephenson, moved further to amend said section by inserting after the word "qualified," in the 6th line the following:

"And the Legislature may, from time to time increase or diminish the number of justices of the peace, and constables, to be elected in the several wards and election districts, as the wants and interests of the people may require;"

Mr. Brown, moved the previous question, and being seconded,

The question was put on the adoption of the amendment as offered by Mr. Stephenson; and

Determined in the affirmative.

The question then recurred on the adoption of the 21st section as amended;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricand, Lee, Dorsey, Randall, Bond, Howard, Buchanan, Bell, Lloyd, Sherwood of Talbot, John Dennis, Jas. U. Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Miller, Bowie, Sprigg, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Johnson, Gaither, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Stewart of Caroline, Schley, Fiery, Neill, John New-

comer, Harbine, Michael Newcomer, Brewer, Waters, Anderson, Weber, Hollyday, Smith, Parke, Cockey and Brown—61.

NEGATIVE—Messrs. Weems, Dalrymple, Welch, Colston, McCullough, Thawley, Gwinn, Stewart, of Balt. city, Brent of Balt. city, and Ware—10.

So the 21st section as amended was adopted.

Mr. George moved further to amend said report by inserting as the 22nd section of said report, the following:

“The qualified voters of every ward in the city of Baltimore, and of every election district in the counties, shall meet in their respective wards and districts, on the first Monday of August in every year, and elect three judges of election, who shall preside over all elections in their respective wards and districts for one year next ensuing their election, and until their successors are elected, and shall possess the powers and perform the duties of the present judges of election in such manner as now is or hereafter shall be prescribed by law;”

Which was read.

At 20 minutes past 3 o'clock P. M.

Mr. George, moved the convention adjourn;

Mr. Weems, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Dent, Ricaud, Lee, Dorsey, Wells, Randall, Bond, Howard, Bell, Welch, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Goldsborough, Phelps, McCullough, Miller, Sprigg, Bowling, Grason, George, Wright, McMaster, Jacobs, Shriver, Johnson, Magraw, Carter, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley, Waters, Anderson, Hollyday and Smith—41.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Weems, Lloyd, Sherwood of Talbot, Colston, Hicks, Bowie, Spencer, Dirickson, Gaither, Annan, Stephenson, McHenry, Stewart, of Caroline, Hardcastle, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Parke, Cockey and Brown—26.

So the Convention accordingly adjourned until to-morrow morning 9 o'clock.

TUESDAY, May 6th, 1851.

The Convention met.

And having been called to order by Mr. Ricaud, appointed President pro tem., by the President, who is confined by indisposition, and after

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Ricaud, the President pro tem., directed that it be entered on the Journal that Mr. Mitchell is detained from his seat by indisposition.

Mr. Ware, presented sundry accounts from No. 1 to 30 inclusive, for subscription for newspapers, &c., not acted upon by the committee,

Which was read, and

Referred to the committee on Accounts.

On motion of Mr. Jacobs, it was

Ordered, That it be entered upon the Journal that Samuel J. Lambden, an officer of the Convention, is detained from his post of duty by the sickness and death of one of his family, and by the continued sickness of another member of his family.

On motion of Mr. Stephenson, it was

Ordered, That it be entered upon the Journal, that Mr. Sappington is detained from his seat by the illness of a member of his family.

On motion of Mr. Bell, it was

Ordered, That the committee to consider and report respecting the appointment, tenure of office, duties and compensation of all civil officers, not embraced in the duties of other standing committees, be requested to enquire into the expediency and report in favor of having supervisors of roads elected by the qualified voters of each election district throughout the counties.

Mr. Stewart, of Balt. city, presented a memorial of Coats and Glenn, Burns and Sloan, Thomas and Price, and others, dealers in lumber in the city of Baltimore, in opposition to the present system of inspection of lumber.

Which was read, and

Referred to the committee on inspections.

Mr. Carter, presented two petition of sundry citizens of the State, praying a change in the license system of the State.

Which were severally read, and

Referred to the select committee already appointed on that subject.

Mr. Brown, being in the Chair,

Mr. Ricaud from the committee on Printing, submitted the following order:

Ordered, That the bound copies of the debates of the Convention be placed in the State Library, and subject to the following distribution: one copy each to be delivered to the order of the President, Members and officers of the Convention, one copy to the Reporter and each of his Assistants, one copy to the order of the Governor and Secretary of State, one copy to the Chancellor and the members of the Judiciary, one copy for the Librarian, one copy for the clerk of the court of Appeals, and the residue subject to the order of the Legislature of the State.

Which was read.

Mr. Blakistone, moved to amend said order by striking out the words "one copy," and substituting in lieu thereof "two copies;"

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Hopewell, Lee, Chambers, of Kent, Dalrymple, Bond, Howard, Buchanan, Bell, Welch, Sherwood, of Talbot, John Denn's, James U. Dennis, Dashiell, Hodson, Phelps, Constable, Chambers, of Cecil, McCullough, Miller, Bowie, Tuck, Dirickson, McMaster, Fooks, Jacobs, Shriver, Biser, Annan, Magraw, Thawley, Gwinn, Brent, of Balt. city, Neill, John Newcomer, Harbine, Waters, Anderson, Hollyday and Smith—41.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Dorsey, Wells, Randall, Colston, Williams, Bowling, Spencer, Grason, George, Wright, Hearn, Gaither, Stephenson, Nelson, Carter, Stewart, of Caroline, Hardcastle, Ware, Schley, Fiery, Michael Newcomer, Brewer, Weber, Fitzpatrick, Parke, Shower, Cockey and Brown—29.

So the amendment was adopted.

On motion of Mr. Ricaud,

Said order was amended by striking out the word "and," after the word "members," and inserting the words "of the Convention, one copy to the Chaplains, and;"

On motion of Mr. Wells,

Said order was further amended by inserting after the word "judiciary," the words "one copy to the Treasurer;"

On motion of Mr. Tuck,

Said order was further amended by inserting after the word "Convention," in 2nd line these words "and of the Journal of Proceedings;"

On motion of Mr. Parke,

Said order was further amended by inserting after the word "Appeals," these words "one copy to the offices of the circuit court Clerk, Registers of Wills and county commissioners of each county;"

The said order was then adopted as amended.

The Convention then resumed the consideration of the order of the day being the report submitted by Mr. Bowie, chairman of the committee on the Judiciary.

The question pending on yesterday being on the amendment offered by Mr. George, as the 22nd section of the report.

Mr. Spencer, moved the Convention reconsider their vote on the 21st section of the report.

Determined in the affirmative.

Mr. Spencer, then moved to strike out the first branch of the amendment offered by Mr. Stephenson, on yesterday, and adopted by the Convention, and to be found on page 716 of Journal and to substitute in lieu of said amendment the following ;

“The Legislature at its first session after the adoption of this constitution, shall fix the number of Justices of the Peace and Constables for each of the wards of the city of Baltimore, and for each of the election districts of the several counties of this State, who shall be elected by the voters thereof respectively.”

Determined in the affirmative.

On motion of Mr. Bowie,

The amendment offered by Mr. Stephenson, on yesterday, to the 21st section, and adopted by the Convention, and to be found on pages 718 and 719 of Journal, was amended by inserting after the word “occur,” these words “or the city council of Baltimore, as the case may be;”

The said 21st section was then adopted as amended.

The question then recurred on the amendment as offered by Mr. George, on yesterday, for 22d section;

Mr. George with the consent of the Convention, withdrew said amendment.

Mr. Brent, of Balt. city, moved to reconsider the vote of the Convention adopting the 21st section;

Determined in the affirmative.

Mr. Brent, of Balt. city, then moved to amend the 21st section of the report, by adding at the end thereof the following :

“But it shall be competent for the mayor and city council of Baltimore to provide by ordinances, from time to time, for the raising and regulation of such temporary additional police or special constabulary force as they may deem necessary and proper;”

Which was read.

On motion of Mr. Blakistone,

Said amendment was amended by adding at the end thereof the words “to preserve the public peace.”

The question then recurred on the adoption of the amendment as amended ; and

Determined in the affirmative.

The 21st section was then adopted as amended.

The 22nd section in said report was then read.

Mr. Blakistone, moved to amend said section by striking out the word "third" in the 2nd line thereof;

Determined in the affirmative.

Mr. Blakistone then moved to fill the blank with "two;"

Mr. Dorsey, moved to fill the blank with "four;"

The question was first put on filling the blank with "four," being the highest number;

Mr. Fitzpatrick, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Pres't, p. t., Dorsey, Wells, Kent, Dashiell, Williams, Hodson, Chambers, of Cecil, McCullough, Miller, Bowie, Tuck, Bowling, Grason, George, Wright, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Stephenson, Neill, John Newcomer and Waters—26.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Lee, Sellman, Weems, Bond, Howard, Buchanan, Bell, Welch, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Constable, Dirickson, Jacobs, Johnson, McHenry, Magraw, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke and Cockey—39.

So the Convention refused to fill the blank with "four;"

The question then recurred and was put on the motion of Mr. Blakistone, to fill the blank with "two;" and

Determined in the affirmative.

On motion of Mr. Dorsey,

Said 22nd section was amended by striking out in the 1st line the word "Sheriffs," and inserting the word "three," and in the 2nd line strike out the words "that is to say;"

Mr. Shriver, moved further to amend said section by striking out after the word "shall," in the 7th line, to the word "succeeding," inclusive in the 8th line, and insert "give;"

Determined in the negative.

Mr. Dorsey, moved to amend said 22nd section by striking out in the 7th line the word "ineligible," and inserting "re-eligible;"

Determined in the negative.

Mr. Schley, moved to reconsider the vote of the Convention on the amendment to said section, striking out the word "third," and inserting in lieu thereof "second;"

Determined in the negative.

The said 22nd section was then adopted as amended.

The 23rd section of said report was then read ;

On motion of Mr. Bowie,

Said section was amended by striking out in the 1st line the

word "Constables," and after the word "Elizors," insert "and Notaries Public ;"

The said 23rd section was then adopted as amended.

The 24th section of said report was then read and adopted.

The 25th section of said report was then read.

This section was previously passed over, with the amendments pending, informally.

The question pending being on the amendment offered by Mr. John Newcomer, to said section, and to be found on page 677 of Journal.

On motion of Mr. John Newcomer,

The Convention was called, and the Doorkeeper sent for the absent members.

Mr. Michael Newcomer, moved to suspend further proceedings under the call.

Before the question was taken, the Doorkeeper returned and reported that he had notified the absent members that their attendance in the Convention was required.

The question then recurred on the adoption of the amendment as offered by Mr. John Newcomer, to the 25th section and to be found on page 677 of Journal.

Mr. John Newcomer, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Dalrymple, Bond, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Constable, Chambers, of Cecil, Miller, Bowling, Dirickson, McMaster, Hearn, Jacobs, Shriver, Gaither, Biser, Annan, McHenry, Nelson, Carter, Thawley, Hardcastle, Sherwood of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—40.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Morgan, Blakistone, Hopewell, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Sellman, Weems, Howard, Buchanan, Bell, Welch, Williams, Phelps, Bowie, Grason, George, Wright, Fooks, Johnson, Stephenson, Magraw, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Neill, Waters, Anderson and Hollyday—33.

So the amendment was adopted.

On motion of Mr. Schley,

Said amendment was amended by inserting after the word "constitution," in the 6th line, the words "the office of Chancellor of this State, and ;"

Mr. Howard, moved to reconsider the vote of the Conventoin just taken on the amendment offered by Mr. John Newcomer, and amended on the motion of Mr. Schley ;

Determined in the affirmative.

Mr. John Newcomer, withdrew the amendment offered by him.

Mr. John Newcomer, then moved to amend said 25th section by striking out in the 9th line the word "five," and insert "two," wherever it occurs in said section.

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Dalrymple, Bont, Bell, Welch, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Constable, Chambers, of Cecil, McCullough, Miller, Bowling, Dirickson, McMaster, Hearn, Jacobs, Shriver, Gaither, Biser, Annan, McHenry, Nelson, Carter, Thawley, Hardcastle, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—42.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Morgan, Blakistone, Hopewell, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Sellman, Weems, Howard, Buchanan, Williams, Phelps, Bowie, Tuck, Spencer, Grason, George, Wright, Fooks, Stephenson, Magraw, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Neill, Waters, Anderson and Hollyday—32.

So the amendment was adopted.

The said section having been read through as amended,

The question then recurred on the adoption of the substitute as offered by Mr. Randall, for said 25th section and the amendment proposed to said section by Mr. Spencer, and to be found on page 677 of Journal.

The question was first put on the amendment as offered by Mr. Spencer, as a proviso to said substitute ; and

Determined in the affirmative.

The question then recurred,

"Will the Convention accept the substitute as amended, for the 25th section of the report of the Committee?"

Mr. Shriver, moved to amend said substitute by striking out the word "five" wherever it occurs, and insert "two ;"

Mr. Bowie, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Bond, Bell, Welch, Sherwood, of Talbot, Colston, John Dennis, James U. Dennis, Dashiell, Constable, Chambers, of Cecil, McCullough, Miller, Dirickson, McMaster, Hearn, Jacobs, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—41.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Blakistone, Hopewell, Lee, Donaldson, Wells, Randall, Kent, Sellman, Weems, Howard, Buchanan, Williams, Bowie, Tuck, Spencer, Grason, George,

Wright, Fooks, Stephenson, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Waters, Anderson and Hollyday—27.

So the amendment was adopted.

The question then recurred and was put,

“Will the Convention accept the substitute as amended in place of 25th section?”

Determined in the affirmative.

The said section was then read and adopted as the 25th section.

The 26th section of the report was then read ;

On motion of Mr. Randall,

Said 26th section was amended by inserting after the word “peace” in the 4th line, these words :

“And all other officers in commission at the adoption of this constitution by the people ;”

The said 26th section was then adopted as amended.

The 27th section of said report was then read ;

On motion of Mr. Bowie,

Said section was amended by striking out the word “and” in 1st line, and inserting after the word “register,” the words “of wills,” and after the words “justices of the peace” insert the words “and constables,” also strike out in the 4th line “October” and insert “November.”

The said 27th section was then adopted as amended.

The 28th section of said report was then read and adopted.

The 29th section of said report was then read ;

On motion of Mr. Gwinn,

Said section was amended by inserting after the word “law” in the 1st line, the following :

“In all issues from an orphans’ court, or from any court sitting in equity, and in all petitions for freedom.”

On motion of Mr. Bowie,

Said section was further amended by striking out in 2nd line the words “hereafter to be commenced or instituted” and insert the following :

“Now pending or which may be pending at the time of the adoption of this constitution by the people, or which may be hereafter instituted ;”

Mr. Bowie, moved further to amend said 29th section by inserting after the word “therein” at the end of the 12th line, the following :

“The removal in all civil causes to be confined to an adjoining county within the judicial circuit except as to the city of Baltimore, where the removal may be to an adjoining county.”

Mr. Brewer, moved to amend said 29th section by striking out

in the 10th line, the words "Judge of," and inserting after "county," in same line, the words "in the discretion of the court ;"

Determined in the negative.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Bowie ;

Mr. Brown, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Pres't, p. t., Morgan, Hopewell, Lee, Weems, Buchanan, Sherwood, of Talbot, John Dennis, Constable, McCullough, Miller, Bowie, Tuck, Grason, George, Wright, Shriver, Gaither, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Ware, Anderson, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—35.

NEGATIVE—Messrs. Blakistone, Donaldson, Wells, Randall, Kent, Sellman, Bond, Howard, Bell, James U. Dennis, Dashiell, Williams, Hodson, Spencer, Dirickson, McMaster, Fooks, Jacobs, Annan, Stephenson, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer and Waters—26.

So the amendment was adopted.

On motion of Mr. Gwinn,

Said 29th section was further amended by inserting after the word "law," in the 7th line, the words "issues or petitions," also after the word "action," in the 9th line, and the word "action" in the 15th line, insert the words "issues or petitions ;"

The said 29th section was then adopted as amended.

Mr. Stephenson, moved further to amend said report by adding at the end thereof as an additional section, the following :

"Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice ;"

Which was read,

Mr. Bowie moved to amend said amendment by adding at the end thereof the words "in his own case ;"

Mr. George moved the previous question, and being seconded,

The question was then put on the amendment to the amendment as offered by Mr. Bowie ;

Mr. Brent, of Balt., city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Pres't, p. t., Morgan, Blakistone, Hopewell, Lee, Donaldson, Wells, Randall, Kent, Buchanan, Sherwood, of Talbot, John Dennis, James U. Dennis, Hodson, Phelps, Constable, McCullough, Miller, Bowie, Tuck, Grason, George, Dirickson, McMaster, Hearn, Jacobs, Shriver, Biser, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Michael Newcomer, Brewer, Anderson, Fitzpatrick, Smith, Parke, Shower and Cockey—49.

NEGATIVE—Messrs. Sellman, Weems, Bond, Howard, Bell, Williams, Fooks, Gaither, Annan, Magraw, Brent, of Balt. city, Neill, John Newcomer, Harbine, Weber and Brown—16.

So the amendment to the amendment was adopted.

The question then recurred and was put on the adoption of the additional section as amended ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Hopewell, Lee, Donaldson, Wells, Randall, Kent, Sellman, Weems, Bond, Sherwood, of Talbot, James U. Dennis, Hodson, Phelps, Constable, McCullough, Miller, Tuck, George, Dirickson, McMaster, Hearn, Fooks, Shriver, Gaither, Annan, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Car line, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—54.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Blakistone, Howard, Buchanan, Bell, Williams, Bowie, Grason, Wright and Magraw—9.

So the section was adopted as amended.

Mr. Stewart, of Balt. city, in accordance with the notice given by him on yesterday, moved to reconsider the vote of the Convention, on the 11th and 12th sections of the report of the committee;

Mr. Randall, moved to postpone said motion ;

Determined in the negative.

On motion of Mr. Blakistone,
The Convention was called.

Mr. Brent, of Balt. city, moved to postpone the consideration of the motion to reconsider until Friday next ;

Determined in the negative.

Mr. Magraw moved the Convention take a recess until half-past 4 o'clock, P. M.;

Mr. Magraw, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Hopewell, Sellman, Howard, Bell, Miller, Dirickson, McMaster, Gaither, Annan, Magraw, Nelson, Carter, Hardcastle, Stewart, of Balt. city, Sherwood, of Balt. city, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—28.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Morgan, Hopewell, Lee, Donaldson, Wells, Randall, Kent, Weems, Bond, Buchanan, Welch, Sherwood, of Talbot, John Dennis, James U. Dennis, Dashiell, Williams, Phelps, Bowie, Tuck, Spencer, Grason, George, Wright, Hearn, Fooks, Jacobs, Shriver, Johnson, Biser,

Stephenson, McHenry, Thawley, Stewart, of Caroline, Gwinn, Brent, of Balt. city, Ware, Schley, Neill, Waters and Ege—41.

So the Convention refused to take a recess until half-past 4 o'clock, P. M.

Mr. Johnson, gave notice that at the proper time he should offer the following amendment to the report of the Judiciary committee:

"No person who signs his name on any paper as security shall be responsible at any suit at law."

The question then recurred on the motion of Mr. Stewart, of Balt. city, to reconsider the vote of the Convention on the 11th and 12th sections of the report;

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Donaldson, Howard, Buchanan, Bell, Welch, Sherwood, of Talbot, McCullough, Miller, Tuck, Spencer, Grason, George, Wright, Shriver, Johnson, Biser, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, Harbine, Michael Newcomer, Brewer, Anderson, Fitzpatrick, Parke, Snower, Cockey and Brown—40.

NEGATIVE—Messrs. Ricaud, Pres't, p. t., Morgan, Blakistone, Lee, Wells, Randall, Kent, Weems, Bond, Sollers, John Dennis, James U. Dennis, Dashiell, Williams, Phelps, Bowie, Dirickson, McMaster, Fooks, Jacobs, Gaiher, John Newcomer and Waters—24.

So the convention reconsidered their vote.

At 10 minutes past 3 o'clock, P. M.,

Mr. Spencer, moved the Convention adjourn,
Determined in the negative.

Mr. Stewart, of Balt. city, offered as a substitute for the 11th section, the 1st amendment proposed by him on yesterday, and to be found on page 713 of Journal;

On the question being put,

"Will the Convention accept said substitute in place of 11th section?" it was

Determined in the affirmative.

The said 11th section was then adopted.

Mr. Stewart, of Balt. city, then offered as a substitute for 12th section, the 2nd amendment proposed by him on yesterday, and to be found on page 713 of Journal;

Mr. Bowie, moved to amend said substitute by adding at the end thereof the following:

"And the said court shall also have exclusive jurisdiction as a court of law over all cases of misdemeanors, quo warranto of appeal from the decision of commissioners, for the opening of streets in the city of Baltimore, of petitions for freedom, and petitions to cancel or enforce contracts of apprenticeship, of all issues from the

Orphans' court of Baltimore city, and from the Superior court, and shall also have jurisdiction over all other controversies proper to be decided in a court of law, which have not heretofore been assigned to the court of Common Pleas, and the said court as incidental to its powers as a court of law, is hereby vested with full power and authority to cause a jury to be summoned, whenever a jury may be required for the business of said court;"

Which was read.

Pending the question thereon,
At ten minutes of 4 o'clock, P. M.

On motion of Mr Bowie,
The Convention adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, May 7th, 1851.

The Convention met.

And having been called to order by Mr. Blakistone, appointed President pro tem., by the President, who is confined by indisposition, and after

Prayer by the Rev. Mr. Graff.

The proceedings of yesterday were read.

Mr. Brown, submitted the following resolution :

Resolved, That the resolution regulating and limiting debate on the Judiciary report, be applicable to all the business of the Convention until otherwise ordered ;

Which was read.

On the question being put,

"Will the Convention adopt said resolution ?"

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Sherwood, of Talbot, Hodson, Phelps, McCullough, Miller, McLane, Tuck, Grason, Wright, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Parke, Ege, Shower, Cockey and Brown—41.

NEGATIVE—Messrs. Blakistone, Pres't, p. t., Morgan, Hopewell,

Ricaud, Lee, Chambers, of Kent, Dorsey, Wells, Randall, Keut, Weems, Bond, Sollers, John Dennis, James U. Dennis, Dashiell, Williams, Bowie, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Davis, Waters and Smith—28.

So the resolution was adopted.

Mr. Sollers, gave notice that he should move to reconsider the vote of the Convention just taken on said resolution.

Mr. Harbine, presented a petition of sundry citizens of Washington* county, against the formation of a new county, to be called "Lee county," out of parts of Washington and Frederick counties. Which was read, and

Referred to the committee on New Counties.

On motion of Mr. Tuck,

The Convention took up for consideration the report of the committee on the Legislative Department.

The question pending to said report being on the amendment offered by Mr. Lee, as an additional section to said report, being as follows:

"Sec. 44. The General Assembly shall, at its second session after the adoption of this constitution, provide by law against the sale of any real estate, to satisfy any judgment or other lien in cases where the yearly rents and profits, beyond the payment of taxes and the necessary repairs, are sufficient within the space of seven years, to satisfy or pay such judgment or other liens;"

Mr. Tuck, moved to amend said section by striking out the words "other liens" in the 3rd and 6th lines;

Mr. Michael Newcomer moved the previous question, and being seconded;

The question was then put on the amendment as offered by Mr. Tuck; and

Determined in the affirmative.

The question then recurred upon the adoption of the section as amended;

Mr. Phelps, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres't, p. t., Hopewell, Lee, Sellman, Weems, Bond, Sollers, Sherwood, of Talbot, Dashiell, Hodson, Phelps, Bowie, McCubbin, George, Dirickson, McMaster, Fooks, Jacobs, Carter, Thawley, Stewart, of Caroline, Hardcastle, Brewer, Weber, Fitzpatrick, Smith and Ege—27.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Donaldson, Dorsey, Randall, Howard, Buchanan, Bell, Welch, John Dennis, James U. Dennis, Williams, Constable, McCullough, Miller, McLane, Tuck, Spencer, Grason, Wright, Shriver, Gaither, Biser, Annan, Stephenson, Magraw, Nelson, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Neill, John Newcomer,

Harbine, Michael Newcomer, Davis, Anderson, Parke, Cockey and Brown—41.

So the amendment was rejected.

Mr. Sollers, moved to amend said report of the committee on the Legislative Department, by adding at the end thereof as an additional section, the following :

“The Legislature shall grant no charter for Banking purposes or renew any Banking corporation now in existence, except upon condition that the stockholders and directors shall be liable in their individual capacity for all of said responsibilities of said corporations, whether upon note, bill or otherwise, and upon the further condition that no director or other officer of said corporation shall borrow any money from, or have any accommodation at, or otherwise deal with said corporation, except as to salaries, and if any of said directors or other officers shall upon conviction in any court of law in this State, be found guilty of having so borrowed or dealt with said corporations, except as to salaries as aforesaid, the person so offending shall be punished by confinement in the penitentiary for such time as the Legislature may hereafter prescribe, and the charter of said banking corporation shall be forfeited forever;”

Which was read.

Mr. Gwinn, moved to amend said amendment by striking out these words: “their individual capacity for all of said responsibilities of said corporations, whether,” and inserting in lieu thereof, the following :

“To the amount of their respective share or shares of stock in such Banking Institution, for all its debts and liabilities;”

Which amendment Mr. Sollers accepted.

Mr. Stephenson, moved further to amend said amendment by adding at the end thereof, the following :

“All liabilities of Banks shall be payable in specie, and the aggregate of the liabilities and issues of a Bank shall at no time exceed double the amount of the capital stock paid in, and the Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation, issuing bank notes of any description. Every stockholder of a bank shall at all times at his pleasure, examine and inspect the books, papers and accounts of such bank;”

Which was read.

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—**MESSRS.** Howard, Bell, Dickinson, Sherwood, of Talbot, Constable, Miller, McCubbin, Spencer, Jacobs, Shriver, Stephenson, McHenry, Magraw, Nelson, Gwinn, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Weber,

Hollyday, Fitzpatrick, Parke, Ege, Shower and Cockey—24.

NEGATIVE—Messrs. Blakistone, Pres't, p. t., Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Kent, Sellman, Weems, Dalrymple, Bond, Bient, of Charles, Buchanan, Welch, Ridgely, John Dennis, James U. Dennis, Dashiell, Williams, Hodson, Phelps, McCullough, McLane, Bowie, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Gaither, Biser, Annan, Thawley, Stewart, of Caroline, Hardcastle, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Waters, Anderson and Brown—51.

So the amendment was rejected.

The question then recurred upon the adoption of the section as offered by Mr. Sollers;

Mr. Constable, moved to amend said amendment by striking out in the 8th line, the words "or have any accommodation at, or otherwise deal with," also by striking out the words "except as to salaries," and by striking out also the words "or dealt with" and insert "from ;"

Which amendments Mr. Sollers accepted.

Mr. Donaldson, moved to amend said amendment by striking out the words "banking purposes, or renew any banking corporation now in existence," and inserting in lieu thereof the following:

"The purposes of banking, trading, mining, manufacturing or navigation, nor shall any such charter now in existence be renewed ;"

Mr. Bowie, moved the previous question, and being seconded;

The question was put on the amendment as offered by Mr. Donaldson;

Mr. Biser moved for a division of the question upon each branch of said amendment down to the word "navigation" inclusive;

Mr. Bond, moved for a division of the question which was put on striking out;

Mr. Bowie, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, p. t., Donaldson, Randall, Williams, Hodson, McCullough, George, Wright, Dirickson, Hearn, Jacobs, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Gwinn, Sherwood, of Balt. city, Schley, Harbine, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Smith, Parke and Shower—30.

NEGATIVE—Messrs. Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Dorsey, Kent, Sellman, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Howard, Buchanan, Bell, Welch, Ridgely, Sherwood, of Talbot, John Dennis, Dashiell, Phelps, Constable, Miller, McLane, Bowie, McCubbin, Spencer, Grason,

McMaster, Fooks, Carter, Thawley, Stewart, of Caroline, Hardcastle, Brent, of Balt. city, Neill, John Newcomer, Davis, Kilgour, Brewer, Waters, Anderson, Ege, Cockey and Brown—46.

So the Convention refused to strike out.

The question was then put on the amendment as offered by Mr. Sollers, and amended on the motion of Mr. Constable;

Mr. Spencer moved for a division of the question upon each branch of said amendment;

The question was then put on the 1st branch of said amendment, being in these words :

“The Legislature hereafter shall grant no charter for banking purposes, or renew any banking corporation now in existence, except upon the condition that the stockholders and directors shall be liable to the amount of their respective share or shares of stock in such banking institution, for all its debts and liabilities upon note, bill or otherwise ;”

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres’t, p. t., Morgan, Dent, Hopewell, Lee, Dalrymple, Bond, Sollers, Howard, Buchanan, Bell, Welch, Sherwood, of Talbot, John Dennis, Dashiell, Hodson, Constable, McCullough, Miller, McLane, Bowie, McCubbin, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—56.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Donaldson, Dorsey, Randall, Kent, Sellman, Weems, Brent, of Charles, Ridgely, Williams, Phelps, Grason, George, Wright, Stewart, of Caroline, Schley, Neill, John Newcomer, Davis, Kilgour and Waters—22.

So the 1st Branch of the amendment was adopted.

The question was then put on the 2nd branch of said amendment, being in these words :

“And upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation ;”

The yeas and nays being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres’t, p. t., Morgan, Dent, Hopewell, Lee, Sellman, Dalrymple, Bond, Sollers, Buchanan, Bell, Welch, Sherwood, of Talbot, John Dennis, James U. Dennis, Dashiell, Hodson, Phelps, Constable, McCullough, Miller, McLane, Bowie, McCubbin, Dirickson, McMaster, Hearn, Fooks,

Jacobs, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Ware, Schley, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Ege, Shower, Cockey and Brown—54.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Donaldson, Doisey, Randall, Kent, Weems, Brent, of Charles, Ridgely, Williams, Spencer, Grason, George, Wright, Gaither, Neill, John Newcomer, Davis, Kilgour, Waters and Smith—21.

So the 2nd branch of said amendment was adopted.

The question was then put on the 3rd and last branch of said amendment, being in these words :

“And if any of said directors or other officers shall upon conviction in any court of law in this State, be found guilty of having so borrowed, directly or indirectly, from said corporations, the person so offending, shall be punished by confinement in the Penitentiary for such time as the Legislature may hereafter, prescribe, and the charter of said banking corporation shall be forfeited forever;”

The yeas and nays being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, President, pro tem., Hopewell, Bond, Sollers, Welch, Sherwood, of Talbot, John Dennis, Dashiell, Constable, McLane, Bowie, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Stephenson, McHenry, Magraw, Nelson, Thawley, Hardcastle, Brent, of Balt. city, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Fitzpatrick, Ege and Brown—35.

NEGATIVE—Messrs. Morgan, Dent, Ricaud, Lee, Chambers, of Kent, Donaldson, Randall, Kent, Sellman, Dalrymple, Brent, of Charles, Bell, Ridgely, Williams, Hodson, Phelps, McCullough, Grason, George, Wright, Gaither, Biser, Annan, Carter, Stewart, of Caroline, Gwinn, Schley, Neill, John Newcomer, Davis, Kilgour, Waters, Weber, Hollyday, Smith, Parke, Shower and Cockey—37.

So the 3rd and last branch of said amendment was rejected.

Mr. McHenry, moved to amend said report of the committee, by adding at the end thereof as an additional section, the following :

“Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases when the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All laws and special acts passed pursuant to this section, may be altered from time to time or repealed;”

Which was read.

On motion of Mr. Sollers,

Said amendment was amended by adding at the end thereof the following proviso:

“Provided nothing herein contained shall be construed to alter, change or amend in any manner the article already adopted in relation to Banks.”

The question then recurred upon the adoption of the amendment as amended; and

Determined in the affirmative.

On motion of Mr. Stephenson,

Said report of the committee was further amended by adding at the end thereof as an additional section, the following:

“All banks shall be open to inspection of their books, papers and accounts, under such regulations as may be prescribed by law.”

On motion of Mr. Miller,

Said report of the committee was further amended by adding at the end thereof as an additional section, the following:

“The Legislature shall enact no law authorising private property to be taken for public use, without just compensation being first paid or tendered to the party entitled to such compensation.”

Mr. Brent of Balt. city, moved the Convention reconsider their vote rejecting the last branch of the amendment as offered by Mr. Sollers, in relation to banks;

Determined the affirmative.

Mr. Brent of Balt. city, then offered as a substitute for said amendment, the following:

“And if any director or other officer shall be convicted upon indictment of directly or indirectly violating this article, he shall be punished by fine or imprisonment at the discretion of the court;”

On the question being put,

“Will the Convention accept said substitute?” it was

Determined in the affirmative.

The question then recurred on the adoption of the amendment;

Mr. Weems, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres’t, pro tem., Morgan, Hopewell, Lee, Dalrymple, Bond, Sollers, Howard, Buchanan, Bell, Sherwood of Tal., John Dennis, James U. Dennis, Dashiell, Hodson, Phelps, Constable, Miller, McLane, Bowie, McCubbin, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Biser, Annan, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood,

of Baltimore city, Ware, Fiery, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Parke, Ege, Cockey and Brown—51.

NEGATIVE—Messrs. Dent, Ricaud, Chambers, of Kent, Donaldson, Kent, Weems, Brent of Charles, Williams, McCullough, Spencer, George, Wright, Gaither, John Newcomer, Davis and Smith—16.

So the amendment was adopted.

Mr. Constable, moved further to amend said report of the committee, by adding as an additional section the following :

“The trial by jury of all issues of fact in civil proceedings in the several courts of law of this State, where the amount in controversy exceeds the sum of five dollars; shall be inviolably preserved ;

Mr. Spencer, moved to amend said amendment by adding at the end thereof the following :

“And in the trial of all criminal cases, the jury shall be the judge of law as well as of fact;”

Mr. Constable, moved to amend said amendment to the amendment, by adding these words : “and on such trial there shall be a bill of exceptions, and appeal to the ruling of the court as to the admissibility of evidence, the same as in civil cases ;”

Which amendment Mr. Spencer accepted.

Mr. Spencer, (at the suggestion of Mr. Constable,) withdrew said amendment as amended, and gave notice that he should offer it as an independent section ;

The question was then put on the amendment as offered by Mr. Constable, as an additional section ; and

Determined in the affirmative.

Mr. Spencer then offered as an additional section to said report of the committee, the following :

“In the trial of all criminal cases, the jury shall be the judges of law as well as fact, and on such trial there shall be a bill of exceptions and appeal to the ruling of the court, as to the admissibility of evidence, the same as in civil cases ;”

Mr. Thawley moved the previous question, and being seconded,

Mr. Bowie, moved for a division of the question upon each branch of said amendment.

The question was then put on the first branch of said amendment, being in these words :

“ In the trial of all criminal cases, the jury shall be the judges of law as well as fact;”

Determined in the affirmative.

The question was then put on the 2nd branch of said amendment, being as follows :

“And on such trial there shall be a bill of exceptions and appeal to the ruling of the court, as to the admissability of evidence, the same as in civil cases;”

Mr. Bowie, moved the question on this branch of the amendment be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood of Talbot, John Dennis, Constable, McCullough, Miller, McLane, Spencer, Shriver, Biser, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Brent, of Balt. city, Ware, Fiery, Brewer, Weber, Smith, Parke, Ege, Cockey and Brown—31.

NEGATIVE—Messrs. Blakistone, Pres’t, p. t., Morgan, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Brent of Charles, Dashiell, Williams, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Annan, Stephenson, Stewart of Caroline, Hardcastle, Schley, Neill, John Newcomer, Harbine and Hollyday—44.

So the 2nd branch of the amendment was rejected.

Mr. Bowie, moved further to amend said report of the committee, by adding at the end thereof as an additional section, the following :

“The rate of interest in this State, shall not exceed six per cent. per annum, and no higher rate shall be taken or demanded, and the Legislature shall provide by law, all necessary forfeitures and penalties against usury;”

Which was read.

Mr. Jacobs, offered as a substitute for said amendment the following :

“No legislation shall hereafter take place in this State, regulating the rate of interest on money;”

On the question being put,

Will the Convention accept said substitute? it was

Determined in the negative.

The question then recurred on the adoption of the amendment as offered by Mr. Bowie, as an additional section ;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres’t, p. t., Dent, Hopewell, Lee, Wells, Kent, Sellman, Weems, Brent, of Charles, Lloyd, Sherwood, of Talbot, Dashiell, McCullough, Miller, McLane, Bowie, Sprigg, McCubbin, McMaster, Hearn, Fooks, Thomas, Biser, Annan, Stephenson, Magraw, Nelson, Thawley, Hardcastle,

Gwinn, Ware, Fiery, Brewer, Waters, Hollyday, Fitzpatrick, Parke Ege, Cockey and Brown—40.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Donaldson, Dorsey, Howard, Buchanan, Bell, Welch, Ridgely, Williams, Hodson, Goldsborough, Eccleston, Phelps, Spencer, Grason, George, Wright, Jacobs, Shriver, McHenry, Stewart, of Caroline, Schley, Neill, John Newcomer, Harbine, Weber and Smith—28.

So the amendment was adopted.

Mr. Randall, from the committee on Revision, reported to the Convention certain proposed amendments to the report of the committee on the Legislative Department ;

Which were read and disposed of.

On motion of Mr. Grason,

The 31st section of said report was amended by inserting after the word “dollars” in 2nd line, the words “and the presiding officers of each House shall be allowed a per diem of five dollars;”

Mr. Bowie, gave notice that he should move to reconsider the vote of the Convention on the 37th section of said report.

Mr. Bowie, also gave notice that he should move to reconsider the 3rd section of the report of the committee on the Bill of Rights.

At 20 minutes of 4 o'clock, P. M.;

Mr. Wright, moved the Convention adjourn ;

Mr. Stephenson, moved the question be taken by yeas and nays ;

Which motion was not sustained.

The question then recurred on the adjournment ; and

Determined in the affirmative.

And the Convention accordingly adjourned until to-morrow morning 9 o'clock.

THURSDAY, May 8th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

The Proceedings of yesterday were read.

Mr. Howard, submitted the following order:

Ordered, That after the 10th instant, no article or section of the proposed constitution shall be adopted or considered, and no article or section adopted on or before that day shall be afterwards reconsidered without the unanimous consent of the convention; but after the 10th instant, the convention will proceed without debate to receive and finally dispose of the several reports from the Revisory committee.

Which was read.

Mr. Biser, moved to amend said order by striking out the word "unanimous" and inserting after the word "consent" the words "of two-thirds;"

Mr. Hearn, moved to lay said order and amendment on the table.

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered;

On motion of Mr. Phelps,

The Convention was called, and the Doorkeeper sent for the absent members.

Mr. Davis moved to dispense with further proceedings under the call;

Determined in the negative.

On motion of Mr. Tuck,

The Convention then took up for consideration the report submitted by Mr. Dorsey, as chairman of the committee on Declaration of Rights;

On motion of Mr. Bowie,

The Convention reconsidered their vote on the 3rd article in said report;

Mr. Bowie, then moved to amend said 3rd article, by striking out in the 3rd and 4th lines, these words: "at the time of their first emigration," and inserting in lieu thereof "fourth of July, 1776;"

Determined in the affirmative.

On motion of Mr. Bowie,

Said section was further amended by striking out in 5th and 6th lines, these words: "and of such others as have been since made in England or Great Britain."

On motion of Mr. Dashiell, it was

Ordered, That it be entered on the Journal, that Mr. James U. Dennis, has been called home by the illness of a member of his family.

Mr. Magraw, moved that further proceedings under the call of the Convention, on the order submitted by Mr. Howard, be dispensed with.

Determined in the affirmative.

The Convention then resumed the consideration of said order.

The question being on the motion of Mr. Hearn, to lay said order and amendment on the table.

The yeas and nays previously ordered were taken and appeared as follows:

AFFIRMATIVE—Messrs. Chapman, President, Morgan, Blakistone, Dent, Hopewell, Lee, Chambers, of Kent, Dorsey, Wells, Randall, Sellman, Dalrymple, Bond, Sollers, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Davis, Kilgour and Waters—32.

NEGATIVE—Messrs. Ricaud, Donaldson, Weems, Brent, of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood of Talbot, Colston, Dashiell, Phelps, Constable, McCullough, Miller, McLane, Tuck, Bowling, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Baltimore city, Sherwood of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—60.

So the Convention refused to lay the order on the table.

The question then recurred on the adoption of the amendment as offered by Mr. Biser, to said order.

Mr. Biser withdrew the amendment offered by him.

The question then recurred on the adoption of the order;

Mr. Chambers, of Kent, moved for a division of the question upon each branch of said order.

The question was then put on the 1st branch of said order, being in these words: "Ordered, that after the 10th inst., no article or section of the proposed constitution, shall be adopted or considered, and no article or section adopted on or before that day shall be afterwards reconsidered without the unanimous consent of the Convention;"

Mr. Howard, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Kent, Bond, Brent of Charles,

Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood of Talbot, Colston, John Dennis, Dashiell, Williams, Hodson, Phelps, Constable, McCullough, Miller, McLane, Tuck, Bowling, Spencer, Wright, Dirickson, McMaster, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—70.

NEGATIVE—Messrs. Blakistone, Pres't, p. t. Dent, Dorsey, Wells, Randall, Sillman, Weems, Dalrymple, Sollers, Hicks, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Grason, George, Hearn, Fooks, Jacobs and Waters—21.

So the 1st branch of the order was adopted.

The question was then put on the 2nd branch of said order, being in these words "but after the 10th inst., the Convention will proceed without debate, to receive and finally dispose of the several reports of the Revisory committee."

Mr. Howard, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Brent, of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Hodson, Phelps, Constable, McCullough, McLane, Tuck, Spencer, Grason, George, Fooks, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Ege, Shower, Cockey, and Brown—55.

NEGATIVE—Messrs. Blakistone, Pres't, p. t. Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Jacobs, Davis, Waters and Smith—30.

So the 2nd and last branch of the order was adopted.

Mr. Dorsey, gave notice that at the proper time, he should offer the following amendments to the report of the committee on the Treasury Department, and which he desired should be entered upon the record:

Art. A State's Agent who shall reside in the city of Baltimore, shall biennially be appointed by the joint vote of both branches of the Legislature, whose duty it shall be, after ascertaining the legality thereof, to countersign all bonds, coupons or certificates of debt of the State, thereafter issued by the commissioner of loans; and to make in well bound books to be furnished him by the treasurer of Maryland at the expense of the State, full, fair and explicit

entries of all bonds, coupons and certificates of debt of the State, countersigned by him; and all bonds or certificates of debt of the State, in lieu of which, such countersigned instruments may have been substituted; and such books shall be the property of the State of Maryland, and be at all times subject to the inspection of the treasurer and general assembly, and of any person authorised by either of them to inspect the same; and upon the requisition of the general assembly or the treasurer, the said books shall be deposited in the treasurer's office of the State. And after the appointment of the State's agent, no bond, coupon or certificate of debt of the State thereafter issued, unless countersigned as aforesaid, shall be of any force, validity or effect as against the State of Maryland. And said State's agent, shall receive a salary of fifteen hundred dollars per annum, payable quarterly.

Art. 1. A Treasurer shall be appointed by the concurrent vote of the two houses of the General Assembly, and shall continue in office until his successor, in like manner appointed, shall qualify as such. The treasurer thus appointed, when duly qualified, shall exercise the powers and all the duties incident to his office under the laws of this State; and in case of his refusal to accept, death, resignation, disqualification or removal out of the State, the Governor may commission a fit and proper person to fill such vacant office, until the next meeting of the General Assembly, and the appointment and qualification of his successor. And the treasurer, for the time being, shall receive such compensation for his services as is now allowed by law to the present incumbent, who shall continue to hold the office until a treasurer appointed under the provisions of this constitution, shall have qualified as such. The salary of the treasurer shall be the same as that now allowed by law.

Which was read.

Mr. Davis, submitted the following order:

Ordered, That the Convention take a recess this day, from 3 to 5 o'clock, P. M.; and when it re-assembles, at 5, the report on Education shall be taken up and considered.

Which was read.

Mr. Tuck, offered as a substitute for said order, the following:

Resolved, That this Convention will take a recess every day from 2 o'clock, P. M., to 4 P. M., until the final adjournment.

Which was read.

On the question being put,

Will the Convention accept said substitute? it was
Determined in the affirmative.

The said order was then adopted.

Mr. Lee, submitted the following order:

Ordered, That the committee on Accounts, pay to the Rev. Mr.

Griffith and the Rev. Mr. Graff, two hundred dollars each, for services rendered as chaplains to this Convention ;

Which was read.

Mr. Stephenson moved to amend said order by striking out "two hundred" and inserting "one hundred ;"

Mr. Tuck, moved to amend by striking out and inserting "one hundred and fifty ;"

Which amendment Mr. Stephenson accepted.

Mr. Stewart, of Balt. city, moved to amend said order by striking out "two hundred," and inserting "two hundred and fifty ;"

Determined in the negative.

Mr. Tuck, then withdrew the amendment offered by him, and moved for a division of the question upon striking out ;

Mr Stephenson, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Chambers, of Kent, Bond, Sherwood, of Talbot, Colston, Dashiell, Williams, Bowling, Grason, George, Dirickson, Jacobs, Sappington, Stephenson, Nelson, Thawley, Sherwood, of Baltimore city, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Smith, Shower and Brown—28.

NEGATIVE—Messrs. Blakistone, Pres't, p. t., Morgan, Dent, Hopewell, Lee, Donaldson, Dorsey, Wells, Randall, Kent, Sellman, Weems, Brent, of Charles, Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, John Dennis, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, McCullough, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Wright, McMaster, Hearn, Fooks, Thomas, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Carter, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Fiery, Davis, Kilgour, Waters, Anderson, Fitzpatrick, Parke, Ege and Cockey—62.

So the Convention refused to strike out.

The said order was then adopted.

On motion of Mr. Tuck, it was

Ordered, That the Journal of accounts be forthwith closed up to Monday, the 12th inst., inclusive.

Mr. Jacobs, submitted the following order :

Ordered, That the Convention take up for consideration the report of the committee on Free Colored Population, on to-morrow at 4 o'clock, P. M. ;"

Which was read.

Mr. Kilgour, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Pres't, pro tem., Morgan, Dent, Hopewell, Lee, Chambers, of Kent, Wells, Randall, Kent, Sellman, Weems, Brent, of Charles, Howard, Bell, Welch, John

Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Carter, Schley, Fiery, Davis, Kilgour, Brewer and Waters—41.

NEGATIVE—Messrs. Ricaud, Donaldson, Dorsey, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Constable, McCullough, Miller, Grason, George, Wright, Thomas, Shriver, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neil, John Newcomer, Harbine, Michael Newcomer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—41.

So the order was not adopted.

Mr. Brent, of Balt. city, submitted the following as articles of the constitution, which he desired should be entered upon the journal :

1st. The court of appeals shall upon the decision of every case which has been argued in said court, give a decision in writing upon the points arising in the record, and the Legislature shall provide by law for the speedy publication of the decisions of the court of appeals, but no judge shall report such decisions.

2nd. The court of appeals shall not refuse a *procedendo* in any case at common law, which it may reverse so as to invoke by such refusal the decision of any matter of fact proper to be submitted to a jury, nor shall any *procedendo* in any case be refused when the court may be of opinion that a meritorious cause of action or defence may be received on the further trial of the cause by the amendment of the pleadings, or by the introduction of further evidence.

On motion of Mr. Neill,

The Convention reconsidered their vote of yesterday on the amendment offered by Mr. Miller, to the report of the committee on the Legislative Department, and adopted by the Convention, to be found on page 736 of Journal.

On motion of Mr. Neill,

Said section was amended by inserting after the word "compensation," these words, "as agreed upon between the parties, or awarded by a jury ;"

The said section was then adopted as amended.

The Convention then resumed the consideration of the report of the committee on the Declaration of Rights.

Mr. Chambers, of Kent, moved to reconsider the 33rd article, to be found on page 293 of Journal, for the purpose of moving the following amendment to same, by striking out from the word "or," in the 2nd line, to the word "State" inclusive, and by inserting as an additional article the following :

"That no other test or qualification ought to be required on ad-

mission to any office of trust or profit, than such oath of office as may be prescribed by this constitution or by the laws of the State, and a declaration of belief in the christian religion; and if the party shall profess to be a Jew, the declaration shall be of a belief in a future state of rewards and punishments."

Mr. Brent, of Balt. city, moved the previous question, and being seconded ;

The question was then put,

"Will the Convention reconsider their vote on the 33rd article of said report?"

Mr. Chambers, of Kent, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Ricaud, Lee, Chambers, of Kent, Donaldson, Kent, Sellman, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Bell, Colston, Dashiell, Williams, Hodson, Goldsborough, Phelps, Miller, Bowie, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Jacobs, Sappington, Stephenson, Carter, Stewart, of Caroline, Hardcastle, Schley, Fiery, Neill, Davis, Kilgour, Brewer, Waters and Smith—47.

NEGATIVE—Messrs. Dorsey, Wells, Randall, Howard, Buchanan, Welch, Ridgely, Sherwood, of Talbot, Eccleston, McCullough, McLane, Thomas, Shriver, Gaither, Biser, Annan, McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, John Newcomer, Harbine, Michael Newcomer, Anderson, Weber, Hollyday, Parke, Ege, Shower, Cockey and Brown—36.

So the Convention reconsidered their vote on said article.

The question then recurred on the adoption of the amendment as offered by Mr. Chambers, of Kent.

Mr. Brent, of Balt. city, moved the previous question, and being seconded,

The question was put on the adoption of the amendment as offered by Mr. Chambers, of Kent.

Mr. Randall moved for a division of the question which was put upon striking out ;

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Kent, Weems, Dalrymple, Bond, Sollers, Brent of Charles, Bell, Colston, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Phelps, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Sappington, Stephenson, Carter, Hardcastle, Fiery, Davis, Kilgour, Waters and Smith—47.

NEGATIVE —Messrs. Dorsey, Wells, Randall, Howard, Buchanan, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Eccleston, McCullough, McLane, Thomas, Shriver, Gaither, Biser, Annan,

McHenry, Magraw, Nelson, Thawley, Gwinn, Stewart, of Baltimore, Brent, of Baltimore city, Ware, Schley, John Newcomer, Harbine, Brewer, Anderson, Hollyday, Parke, Ege, Shower, Cockey and Brown—36.

So the Convention agreed to strike out.

The question then recurred and was put on the adoption of the article as offered by Mr. Chambers, of Kent; and

Determined in the affirmative.

On motion of Mr. Parke,

The preamble to the report of the Declaration of Rights was amended by inserting after the word "Maryland," 1st line, these words "grateful to Almighty God for our civil and religious liberty," and

Mr. Parke moved further to amend said preamble by striking out in the 3rd line the words "best means," and inserting in lieu thereof "propriety ;"

Determined in the negative.

Mr. Fooks moved that the Convention reconsider their vote on the 14th article of said report, for the purpose of enabling him to move to strike out from the beginning of said article to the word "State," in the 2nd line, and insert "that capital punishment ought to be abolished ;"

Determined in the negative.

Mr. Parke moved to reconsider the 1st article of the report for the purpose of amendment.

Determined in the negative.

Mr. John Dennis, presented a petition of sundry citizens of Somerset county, praying for a modification of the license law ;

Which was read, and

Referred to the select committee appointed on that subject.

The Convention then proceeded to the consideration of the order of the day, being the propositions relative to districting the city of Baltimore, and the several counties of the State.

The question pending being on the motion of Mr. Chambers, of Kent, to reconsider the vote of the Convention striking out the amendment offered by him.

On motion of Mr. Brown,

The Convention was called, and the Doorkeeper sent for the absent members ;

On motion of Mr. Tuck,

The Convention resolved to proceed with the ordinary business of the session during the absence of the Doorkeeper.

On motion of Mr. Tuck,

The Convention reconsidered the 30th article of the report of the Declaration of Rights ;

On motion of Mr. Tuck,

Said article was amended by striking out in 3rd line the words "Chancellor and," also by striking out from the word "address" in the 7th line to the word "or" inclusive in the 10th line.

The said article was then adopted as amended.

On motion of Mr. Tuck,

The 41st article was amended by striking out in 1st line from the words "that this" down to the word "ought" inclusive in 3rd line and insert "constitution shall," also by striking out in same line the words "but in such" and insert "except in the," and by striking out the words "as this convention shall prescribe and direct," and insert the words therein directed."

The said report having been read through and adopted as amended.

Mr. Tuck moved that it be recommitted to the committee on Revision, for the purpose of being engrossed.

Determined in the affirmative.

The doorkeeper having returned, reported that in obedience to order he had notified the absent members that their attendance in the Convention was required.

The Convention then resumed the consideration of the order of the day, being the proposition relative to districting the city of Baltimore, and the several counties of the State.

The question pending being on the motion of Mr. Chambers, of Kent, to reconsider the vote of the Convention striking out the amendment offered by him, (see page 707 of journal.)

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters, Smith, Ege and Cockey—46.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Constable, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower and Brown—47.

So the Convention refused to reconsider the vote on said amendment.

Mr. Dent gave notice that on to-morrow he should move to reconsider the vote of the Convention on the substitute offered by Mr. Thomas and to be found on page 705 of journal.

Mr. Chambers of Kent, gave notice that on to-morrow he should move to reconsider the vote of the Convention just taken on the motion to reconsider the amendment offered by him.

Mr. Ege moved the convention suspend the rule and take up for consideration the motion submitted by Mr. Dent, to reconsider the vote of the convention on the substitute offered by Mr. Thomas.

Mr. Tuck moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Ricaud, Sellman, Weems, Bond, Sollers, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Constable, McCullough, Miller, McLane, Bowie, Spéncer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Presstman, Ware, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—60.

NEGATIVE—Messrs. Morgan, Hopewell, Lee, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Dalrymple, Brent, of Charles, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Fiery, Davis, Kilgour and Waters,—34.

So the Convention refused to suspend the rule.

The Convention then resumed the consideration of the unfinished order of the day, being the report of the committee on the Judiciary;

Mr. Davis, moved to postpone the consideration of the order of the day, and take up for consideration the report of the committee on Education;

Determined in the negative.

Mr. Davis, moved for the yeas and nays;

Which motion was not sustained.

Mr. McHenry, from committee No. 7, submitted the following

REPORT:

Sec. 1st. On the first Wednesday of November eighteen hundred and fifty one and the same day every second year thereafter, the qualified voters of each county shall, by general ticket, elect from amongst themselves, the same number of persons, to constitute the board of commissioners for such county as it may then be

entitled to representatives in both houses of the General Assembly. The term of service of these commissioners shall commence on the first Tuesday in January next succeeding their election, and shall continue for two years thereafter or until their successors shall have entered on the discharge of their duties. Each such board of commissioners shall possess all the powers and perform all the duties heretofore possessed and performed by the commissioners or Levy Court of the county until otherwise provided by law, and it shall be the duty of the General Assembly, at its first session after the adoption of this constitution to pass an act, prescribing and defining the powers and duties of the boards of commissioners, so as to render these uniform throughout the State. The Legislature shall confer on these boards full power to regulate the municipal affairs of the respective counties, including the opening, altering and closing of county roads, the building of county bridges and edifices and the management and control of all county property, together with such additional local legislative and administrative powers as may be deemed expedient.

Sec. 2nd. Every commissioner of the county shall receive out of the county treasury three dollars per diem, besides three cents for each mile travelled over in going to and returning from the county seat, for each day of his attendance at the sitting of his board.

Sec. 3rd. The commissioners of each county, as soon as may be, after their first election, under this constitution shall proceed to divide such county into election districts compact in form and nearly equal in size so that no such district shall contain more than five hundred voters. A distinct description of the metes and bounds of the districts so established shall be recorded in the office of each board and published for the information of the inhabitants of the county. And whenever, after any election, it shall appear that more than five hundred votes have been cast in any election district, it shall be the duty of the existing board of commissioners for the county in which such district may be situated, to divide the same into two others in the manner above prescribed.

Sec. 4th. The commissioners of the respective counties shall, on or before the first day of June in each year, designate three justices of the peace, in and for election district, to serve as judges of all elections to be holden in such district, until the same period of the following year.

Sec. 5th. There shall be elected by the qualified voters of each county, on the first Wednesday of November eighteen hundred and fifty one, and every two years thereafter a county treasurer, whose duties be the same as those of the treasurer of Baltimore county now are or as may be hereafter prescribed by law.

Sec. 6th. The county commissioners shall fill all vacancies occurring in their own number or in the subordinate county officers, not otherwise provided for herein, until in the expiration of their respective terms of office.

Sec. 7th. The county commissioners shall fix the rates of com-

pensation for all county and local officers within their respective jurisdiction, but no alteration in these rates, made after the election of any officer, shall take effect until after the expiration of the term for which he had been elected.

Sec. 8th. On the first Wednesday in November eighteen hundred and fifty one, and on the same day in every second year thereafter, the qualified voters of each election district in this State shall elect one person as supervisor of roads, one person as assessor and one person as tax collector for said district. The term of office of the supervisors, assessors and tax collectors shall commence on the first day of January succeeding their election, and continue for two years thereafter or until their successors shall have qualified. The powers and duties of supervisors, assessors and tax collectors shall be such as these now are or may hereafter be prescribed by law.

Sec. 9th. All city, town and village officers, whose election or appointment is not provided for in this constitution, shall be appointed according to the provisions of the charters of such cities and towns, or the acts of Assembly now in force. But the legislature may modify and alter said charters and acts so as to render the same uniform throughout the State and to confer on the corporate authorities of such cities and towns, and in the officers of such villages additional powers of local legislation and administration.

Sec. 10th. It shall be the duty of the city council of Baltimore, at its first session after the adoption of this constitution, and every tenth year thereafter, to provide for a new division of said city into twenty wards, compact in form and nearly as may be equal in population. Each of such wards shall be subdivided by the same authority into two election districts. And whenever at any election held thereafter, more than seven hundred and fifty votes shall appear to have been cast in any such election district, the city council shall at its next ensuing session, provide for the further subdivision of the same into two other election districts.

Sec. 11th. For each election district in the City of Baltimore, the Mayor by and with the consent of the council, shall appoint on or before the first day of June in each year, three persons who shall be justices of the Peace, if there be any such residing within said district, to act as Judges of all elections to be holden therein until the same period of the following year. Any vacancies in offices of Judges of election in said city may be filled by the Mayor alone.

Sec. 12th. The legislature may declare the cases in which any offices shall be deemed vacant, where no provision is made for that purpose in this constitution.

Sec. 13th. Provision shall be made by law for the removal for mis-conduct, malfeasance in office of all officers (except judicial,) and also for supplying all vacancies in office not herein provided for.

Sec. 14th. When the duration of any office is not provided for

by this constitution it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment.

2 o'clock, P. M. having arrived,

The Convention took a recess until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The Convention met.

And resumed the consideration of the report of the committee on the Judiciary.

The question pending, being on an amendment offered by Mr. Bowie, on the 6th inst., to the substitute offered by Mr. Stewart, of Balt. city, for the 12th section of the report, and to be found on page 730 of Journal.

On motion of Mr. Gwinn,

The Convention was called and the Doorkeeper sent for the absent members.

On motion of Mr. Brent, of Balt. city,

Further proceedings under the call of the Convention was dispensed with.

Mr. Davis, moved to postpone the consideration of the report of the committee on the Judiciary until to-morrow.

Determined in the negative.

The question then recurred on the adoption of the amendment as offered by Mr. Bowie, to the substitute offered by Mr. Stewart, of Balt. city, for the 12th section of the report.

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Pres't, p. r., Dent, Morgan, Hopewell, Ricaud, Lee, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Bond, Sollers, Brent, of Charles, Jenifer, Ridgely, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters, Weber and Smith—45.

NEGATIVE—Messrs. Howard, Buchanan, Welch, Lloyd, Sherwood, of Talbot, Colston, Constable, Miller, McLane, Spencer, Grason, George, Wright, Shriver, Biser, Annan, Sappington,

Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Fitzpatrick, Parke, Ege, Shower, Cockey and Brown—42.

So the amendment was adopted.

Mr. Bowie, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the amendment submitted by Mr. Crisfield, and adopted by the Convention as the 9th section of the report, and also that part of the report relating to the Judiciary of Baltimore.

Mr. John Newcomer, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the amendment offered by Mr. Donaldson, on the 11th of April, on 21st section, and to be found on page 584 of Journal.

Mr. Randall, also gave notice that at the same time he should move to reconsider the vote of the Convention on that section of the report of the committee on the Judiciary, abolishing the Chancery court.

The Convention then took up for consideration the amendment as offered by Mr. Merrick, on the 3rd instant, and to be found on page 712 of Journal.

The question pending on the 3rd inst. being on the amendment offered by Mr. Bowie to said amendment, to strike out "two thousand," and insert in lieu thereof "twenty-five hundred;"

On motion of Mr. Ricaud,

The amendment offered by him as the 19th section of the report on the 3rd instant, and to be found on page 708 of journal, was taken up for consideration, read and adopted.

Mr. Tuck, moved to amend the amendment offered by Mr. Merrick, by striking out from the word "thereof," in the 5th line, to the end thereof, being in these words, "and for the allowances and payment to said officers respectively, of fixed annual salaries, not to exceed two thousand dollars, and such additional allowances as the local authorities may judge necessary and proper with reference to the amount of business to be done for the compensation of assistants;"

Mr. Howard, moved the previous question, that is, "Shall the main question be now put?" and it was

Determined in the negative.

Mr. Ricaud, moved to amend the amendment offered by Mr. Merrick, by striking out the words proposed by the motion of Mr. Tuck, and insert in lieu thereof the following:

"Provided the amount of compensation to any of said officers, shall not exceed the sum of twenty-five hundred dollars per annum over and above office expenses and compensation to assistants; and provided further, that such compensation of clerks, registers,

assistants and office expenses shall always be paid out of the fees or receipts of the offices respectively;"

Mr. Bowie, offered as a substitute for said amendment the following :

"And for the allowances and payment to said officers respectively of fixed annual salaries or compensation by fees as the Legislature may in their discretion direct, said salaries or compensation in no case to exceed twenty-five hundred dollars, and such additional allowances as may be necessary and proper with reference to the amount of business to be done for the compensation of assistants;"

Which was read.

Mr. Magraw, moved the previous question, and being seconded,

The question then recurred on the adoption of the amendment as offered by Mr. Bowie.

Mr. Dorsey, moved for a division of the question, which was put on striking out;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Dorsey, Wells, Kent, Sellman, Weems, Sollers, Buchanan, Ridgely, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, Bowie, Tuck, Sprigg, McCubbin, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Annan, Stephenson, Magraw, Carter, Schley, Fiery, Neill, John Newcomer, Harbine, Davis, Kilgour, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Shower and Brown—57.

NEGATIVE—Messrs. Randall, Bond, Brent, of Charles, Jenifer, Welch, Bowling, Spencer, George, Sappington, McHenry, Nelson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Ware, Michael Newcomer, Brewer, Parke, Ege and Cockey—21.

So the Convention agreed to strike out.

The question was then put,

"Will the Convention accept the amendment as offered by Mr. Bowie?"

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Randall, Sellman, Sollers, Brent, of Charles, Jenifer, Howard, Buchanan, Ridgely, Miller, Bowie, Tuck, Sprigg, McCubbin, Bowling, McHenry, Magraw, Nelson, Neill, Smith and Shower—20.

NEGATIVE—Messrs. Blakistone, Pres't, pro tem, Dent, Hopewell, Ricaud, Lee, Dorsey, Wells, Kent, Weems, Bond, Welch, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps,

Spencer, George, Wright, Dirickson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Annan, Sappington, Stephenson, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Ege and Brown—55.

So the Convention refused to accept the amendment.

The question then recurred on the adoption of the amendment as offered by Mr. Ricaud ;

Mr. Thawley, moved the Convention adjourn;

Determined in the negative.

The question again recurred upon the adoption of the amendment as offered by Mr. Ricaud ; and

Determined in the affirmative.

The question then recurred upon the adoption of the substitute as offered by Mr. John Newcomer, for the amendment as amended, and to be found on page 712 of Journal ;

On the question being put,

“Will the Convention accept said substitute?” it was

Determined in the negative.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Ricaud ; and

Determined in the affirmative.

The said article was then read and adopted as the 21st article of the constitution.

Mr. Spencer, gave notice that on to-morrow he should move to reconsider the vote of the Convention on the article just adopted, for the purpose of moving to strike out the same and substitute the following in lieu of it:

“The Legislature shall at its first session after the adoption of this constitution, provide by law for a plain and uniform rate of fees in the offices of county clerks and registers of wills in this State, and for fixed salaries to the clerks and registers thereof, to be paid out of the fees of said offices.”

Mr. Randall, with the unanimous consent of the Convention, submitted the following order:

Ordered, That the committee on Revision be authorised to contract for the expeditious printing and circulation of the constitution as prepared by this Convention, provided the cost thereof do not exceed fifteen hundred dollars ;

Which was read.

Mr. Howard moved to amend said order by striking out all after the word “ordered,” and inserting in lieu thereof the following:

Ordered, That the committee be instructed to advertise forthwith in the newspapers in Annapolis and Baltimore, for proposals to

print fifty thousand copies of the constitution upon the same sized page and with the same type that the Journal is now printed upon, with the time when the copies can be furnished, and that the committee report to the Convention on Monday morning.

Which was read.

Mr. Spencer moved to amend said amendment by inserting after the word, "copies" the words "as also one hundred thousand copies;"

Which amendment Mr. Howard accepted.

Mr. Gwinn then offered as a substitute for said order and amendment the following :

Ordered, That the committee on Revision shall make immediate arrangements to publish the constitution which this Convention will adopt, in pamphlet form,—and provide for the immediate publication of the same, when adopted, in such newspapers in the State as the said committee may designate.

Which was read.

Mr. McHenry, moved the previous question, and being seconded,

The question was put,

Will the Convention accept the substitute as offered by Mr Gwinn?

Determined in the negative.

The question was then put on the amendment as offered by Mr. Howard, and

Determined in the negative.

The question then recurred upon the adoption of the order as offered by Mr. Randall and

Determined in the affirmative.

Mr. Stewart, of Caroline, gave notice that on to-morrow he should move to reconsider the vote of the Convention, just taken on the adoption of said order, for the purpose of offering the following as a substitute therefor.

Ordered, That the reviewing committee be authorised to have 50,000 copies of the constitution, in pamphlet form, printed, and to have the same published once in every newspaper in this State.

Mr. Sollers, also gave notice that in case said vote was reconsidered, he should offer the following as a substitute for said order.

Ordered, That 100,000 copies of this Constitution shall be published in pamphlet form, for the use of the members of this Convention, and fifty thousand copies shall be published in all the papers of this State.

On motion of Mr. Buchanan,

The Convention adjourned until to-morrow morning 9 o'clock.

FRIDAY, May 9th, 1851.

The Convention met,

Prayer by the Rev. Mr. Graff.

On motion of Mr. Weems,

The reading of the Journal of proceedings was dispensed with.

Mr. Weems, presented sundry accounts against the Convention;

Which was read, and

Referred to the committee on Accounts.

On motion of Mr. Smith,

The Convention took up for consideration the report submitted by him on the 25th February last, as chairman of the committee on Education;

Mr. Ege, moved to amend said report by striking out from the beginning of 1st section, these words: "a permanent and adequate school fund shall be established by the Legislature, as soon as the financial condition of the State shall justify it," and inserting in lieu thereof, the following :

"A general common school system shall be established by the Legislature at their first meeting after the adoption of this constitution;"

Determined in the negative.

On motion of Mr. Davis,

Said report was amended by striking out in the 3rd line, 1st section, these words, "the present fund for the support of free and common schools;"

Mr. Davis, moved to amend said report by striking out in the 6th line the word "heretofore," and inserting in lieu thereof "hereafter to be;"

Determined in the affirmative.

Mr. Biser, moved to amend said report by inserting after the word "schools" in the 8th line, these words: "according to the white population throughout the State;"

Mr. Ridgely, postpone to amend said report indefinitely ;

Mr. Davis, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Lee, Sollers, Howard, Buchanan, Bell, Welch, Ridgely Lloyd, Sherwood, of Talbot, Colston, John Dennis, McLane, Bowie, Sprigg, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Thawley, Stewart, of Caroline, Harcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Neill, John Newcomer, Harbine, Hollyday, Cockey and Brown—49.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell,

Chambers, of Kent, Donaldson, Dorsey, Wells, Weems, Dalrymple, Bond, Brent of Charles, Jenifer, Chandler, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Phelps, Miller, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Carter, Presstman, Schley, Fiery, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Weber, Fitzpatrick, Smith, Parke, Ege and Shower—44.

So the Convention refused to postpone indefinitely.

Mr. Fiery, then moved to amend said report by striking out after the word "Legislature" in the 2nd line, these words, "so soon as the financial condition of the State shall justify it ;"

Mr. Buchanan, moved to amend said section by adding at the end thereof, the following proviso ;

"Provided, that if denominational schools be established in any of the counties or the city of Baltimore, they shall receive their equitable proportion of the fund ;

Mr. Jacobs, moved further to amend said section by adding the following :

"Provided, that in the establishment of said adequate school fund, taxation upon real and personal property shall not be resorted to ;"

The chair ruled this amendment to be out of order, two amendments being already pending.

Mr. Spencer, moved to postpone said report and amendments until the 1st day of August next ;

Mr. Davis, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Ricaud, Lee, Chambers, of Kent, Bond, Sollers, Howard, Bell, Welch, Ridgely, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, McLane, Bowie, Sprigg, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Thawley, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Ware, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Hollyday, Ege, Cockey and Brown—45.

NEGATIVE—Messrs. Chapin, Pres't, Morgan, Blakistone, Dent, Hopewell, Donaldson, Dorsey, Wells, Sellman, Weems, Brent of Charles, Buchanan, Chandler, Dashiell, Miller, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Stephenson, McHenry, Carter, Fiery, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Fitzpatrick, Smith, Parke and Shower—35.

So the report and amendments were postponed.

Mr. Buchanan, being in the chair ;

Mr. Blakistone, submitted the following as an article of the constitution :

“That it shall be the duty of parents suitably to provide for and educate their children, and whenever any parent shall be unable suitably to provide for and educate his or her child or children, it shall be the duty of the State suitably to provide for and educate such child or children, and particularly indigent orphans’ so that each white child in this State may be suitably provided for and educated at the public expense, when their own means or that of their parent or parents are insufficient for such purpose; provided, however, that nothing herein contained shall in any wise be construed to change, alter or diminish the force and effect of the provision of this constitution in relation to the disposition of the common school fund in accordance with previous acts and resolutions of the General Assembly, and the funds arising from works of internal improvements in this State by such acts and resolutions disposed of. That it shall be the duty of the Legislature to enact such laws as may be necessary to carry out the provisions of this article so soon as the financial condition of the State, will in the judgment of the Legislature, justify it;”

Which was read.

Mr. Spencer, moved for a division of the question on the 1st branch of said amendment, down to the word “children” inclusive, in 5th line ;

Mr. Thomas, moved to lay the whole subject on the table ;

Mr. Blakistone, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Lee, Sellman, Bond, Sollers, Brent, of Charles, Howard, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Williams, Hicks, Goldsborough, Phelps, McLane, Spencer, George, Wright, Hearn, Jacobs, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Carter, Thawley, Stewart, of Caroline, Gwinn, Brent, of Baltimore, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Fitzpatrick, Parke, Ege, Cockey and Brown—51.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Dorsey, Wells, Randall, Weems, Dalrymple, Buchanan, Dashiell, Eccleston, Constable, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Fooks, McHenry, Stewart of Baltimore, Davis, Kilgour, Anderson, Smith and Shower—28.

So the whole subject was laid on the table.

Mr. Davis, then offered the following as an article in the constitution :

“Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties, and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it

shall be the duty of legislatures and magistrates, in all future periods, of this State, to cherish the interests of literature and the sciences, to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures and a natural history of the country, to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings, sincerity, good humor, and all social affections and generous sentiments among the people ;”

Which was read.

Mr. Michael Newcomer, moved to lay said amendment on the table ;

Determined in the affirmative.

Mr. McHenry, moved the following as an article in the constitution :

“It shall be the duty of the Legislature at or before its second session, after the adoption of this constitution, to provide for the establishment of efficient common schools adequate to the education of every white child of this State;”

Which was read.

Mr. Bowie, moved to lay said amendment on the table ;

Mr. McHenry, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Weems, Sollers, Howard, Bell,* Ridgely, Lloyd, Sherwood, of Talbot, Colston, Williams, Goldsborough, Constable, McLane, Bowie, Sprigg, McCubbin, Bowling, Spencer, Wright, Jacobs, Thomas, Shriver, Biser, Thawley, Ware, Schley, Neill, John Newcomer, Harbine, Michael Newcomer and Brown—31.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Kent, Bond, Brent, of Charles, Buchanan, Welch, Chandler, Dashiell, Hicks, Eccleston, Phelps, Dirickson, McMaster, Fooks, Sappington, Stephenson, McHenry, Carter, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Fiery, Davis, Kilgour, Brewer, Waters, Anderson, Weber, Hollyday, Smith and Ege—43.

So the Convention refused to lay the article on the table.

Mr. Brent, of Balt. city, moved to amend said article by adding at the end thereof the following proviso :

“Provided the expense of such education be assessed on the several counties and the city of Baltimore, for the schools within their limits respectively.”

Mr. Gwinn moved the previous question, and being seconded;

The question then recurred on the amendment as offered by Mr. Brent, of Baltimore city.

Mr. Brent of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE.—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Dashiell, Constable, McLane, Bowie, Sprigg, Bowling, George, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Gwinn, Stewart, of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Prestman Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Smith, Parke, Ege, Shower, Cockey and Brown—44.

NEGATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Wells, Weems, Dalrymple, Bond, Sollers, Brent of Charles, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, McCubbin, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Carter, Thawley, Stewart of Caroline, Hardcastle, Davis, Kilgour, Brewer, Waters and Anderson—37.

So the amendment was adopted.

The question then recurred upon the adoption of the article as amended ;

Mr. Blakistone moved to lay said article on the table ;

Mr. Ege, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE.—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Dorsey, Randall, Bond, Sollers, Brent, of Charles, Howard, Bell, Lloyd, Dickinson, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Goldsborough, Eccleston, Phelps, Miller, Bowie, Sprigg, McCubbin, Bowling, George, Wright, Hearn, Jacobs, Thomas, Shriver, Gaither, Biser, Thawley, Stewart, of Caroline, Hardcastle, Stewart, of Balt. city, Prestman, Ware, Schley, Neill, John Newcomer, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Hollyday and Brown—53.

NEGATIVE.—Messrs. Donaldson, Wells, Weems, Buchanan, Welch, Chandler, Ridgely, McLane, Dirickson, McMaster, Fooks, Annan, Sappington, Stephenson, McHenry, Nelson, Carter, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Fiery, Brewer, Weber, Smith, Parke, Ege and Cockey—27.

So the article was laid on the table.

On motion of Mr. Howard,

The Convention took up for consideration the report submitted by him on the 26th of April, as chairman of the committee on the Militia ;

Mr. Shriver offered as a substitute for said report the following :

“It shall be the duty of the Legislature to pass laws for the enrollment of the militia, to provide for districting the State into divisions, brigades, &c., and to pass laws for the effectual encour-

agement of volunteer corps by some mode which may induce the formation and continuance of at least one volunteer company in every county and division in the city of Baltimore ;”

Mr. Schley moved to amend said article by striking out the words “not exceeding one dollar ;”

Which amendment Mr. Howard accepted.

The question then recurred and was put on the adoption of the substitute as offered by Mr. Shriver ; and

Determined in the affirmative.

Mr. Stephenson moved further to amend said substitute by adding the following :

“The Militia of this State shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States or of this State ;”

Determined in the negative.

Mr. Bond moved to amend said substitute by adding the following : “Company, Battallion and Regimental officers, Staff officers excepted, shall be elected by the persons composing their several companies, battallions and regiments ;”

Determined in the negative.

On motion of Mr. Chambers of Kent,

Said substitute was amended by striking out the words “&c.,” and inserting in lieu thereof “Battallions, Regiments and Companies ;”

The said article was then adopted as amended.

Mr. Dorsey, submitted the following article:

Art. Every officer of this State, the Governor excepted, the entire amount of whose pay or compensation, received for the discharge of his official duties, shall exceed the annual sum of three thousand dollars, shall keep a book in which shall be entered every sum or sums of money received by him or on his account as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be annually returned to the Treasurer of the State for his inspection, and that of the General Assembly of Maryland ; and each of such officers when the amount by him for the year shall exceed the sum of three thousand dollars, shall annually pay over to the Treasurer the amount of such excess by him received, subject to such disposition thereof as the Legislature may deem just and equitable. And any such officer failing to comply with the said requisition, shall be deemed to have vacated his office, and be subject to suit by the State for the amount that ought to have been paid into the Treasury.

Which was read.

Mr. Stewart of Caroline, moved to amend said article by in-

serting after the word "Governor" the words "and the Prosecuting Attornies of the State;"

Determined in the negative.

Mr. Howard, moved the previous question, and being seconded,

Mr. Gwinn, moved for a division of the question upon the article down to the word "Maryland" inclusive, in 10th line;

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Randall, Sellman, Weems, Dalrymple, Bond, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Dashiell, Williams, Hicks, Goldsbrough, Eccleston, Phelps, Tuck, McCubbin, Bowling, Spencer, Dirickson, McMaster, Hearn, Fooks, Thomas, Annan, Stephenson, Nelson, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Davis, Kilgour, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith and Shower—58.

NEGATIVE—Messrs. Dent, Wells, Sollers, Brent, of Charles, Merrick, Jenifer, Howard, Buchanan, Welch, Constable, Miller, McLane, Bowie, Sprigg, Grason, George, Wright, Jacobs, Shriver, Gaither, Biser, Magraw, Brent, of Balt. city, Pressman, Parke, and Brown—26.

So the 1st branch of said article was adopted.

The question was then put on the 2nd branch of said article, and

Determined in the affirmative.

Mr. McLane, moved that the Convention take up for consideration the report submitted by him as chairman of the committee on the Treasury Department, on the 1st of February.

Mr. Bowie, moved to lay the motion on the table;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Wells, Randall, Kent, Weems, Bond, Sollers, Brent, of Charles, Merrick, Sherwood, of Talbot, John Dennis, Williams, Bowie, Sprigg, McCubbin, Bowling, McMaster, Neill, Kilgour, Waters and Smith—28.

NEGATIVE—Messrs. Donaldson, Dorsey, Sellman, Dalrymple, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Hicks, Goldsbrough, Eccleston, Phelps, Constable, McLane, Spencer, Grason, George, Wright, Dirickson, Hearn, Fooks, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Baltimore city, Sherwood, of Baltimore city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Davis,

Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—59.

So the Convention refused to lay the motion on the table.

The question then recurred on the motion of Mr. McLane, to take up for consideration the report submitted by him as chairman of the committee on the Treasury Department, and

Determined in the affirmative.

The Convention proceeded to the consideration of said report.

Mr. Bowie, moved to amend said report by striking out after the word "Comptroller," in 1st article, 2nd line, these words "chosen by the qualified electors of the State at each election of members of the House of Delegates, and shall receive an annual salary of three thousand dollars, also of," and insert in lieu thereof the following:

"Who shall be the Governor of the State for the time being; and;"

The Hour of 2 o'clock having arrived.

The Convention took a recess until 4 o'clock P. M.

FOUR O'CLOCK, P. M.

The Convention met,

Mr. Stewart of Balt. city, presented a memorial signed by Lindsey H. Reynolds, John S. Brown, Ezra Dill and others, practical builders, carpenters and consumers of lumber, praying that the present system of inspecting lumber may not be abolished;

Which was read, and

Referred to the committee on inspections.

Mr. Randall, asked to be excused from serving on the committee on Printing, for the reason that his time is much occupied as a member of the Revisory committee, and is unable to attend on both committees;

On the question being put,

He was excused from serving on said committee; and

The Chair substituted Mr. Donaldson, in his place.

Mr. Ridgely, submitted the following resolution:

Which was twice read and adopted.

Resolved, That the secretary be authorised to transmit by mail, free of charge, to each member of the Convention, such numbers of the Registers of Debates and Journals of the Convention as may not be published entire after the final adjournment of the Convention.

Mr. Grason, from the committee on Revision, reported to the Convention certain proposed amendments to the report on the Executive Department;

Which were read and disposed of.

On motion of Mr. Grason,

The Convention reconsidered their vote on the 13th section of said report.

On motion of Mr. Grason,

Said section was amended by inserting after the word "case," in the 1st line the word "of" and in same line by striking out the words "may occur;"

The said report having been read through as amended and adopted,

Mr. Tuck, moved that it be recommitted to the committee on Revision, for the purpose of being engrossed.

Mr. Brown gave notice that he should move to reconsider that portion of the report of the committee on State Attornies for the purpose of moving to amend the same, in relation to their election, by striking out "October" and inserting "November;"

Mr. Spencer, (in accordance with the notice given by him on yesterday) moved to reconsider the vote of the Convention on the article adopted in the report of the Judiciary committee, relative to the rates of fees of clerks of courts and registers of wills.

Mr. Spencer, then moved to lay said motion on the table until to-morrow,

Determined in the affirmative.

Mr. Chambers, of Kent, moved the Convention take up for consideration the motion made by him on yesterday, relative to reconsidering the vote of the Convention relative to districting the city of Baltimore and the several counties of this State.

On motion of Mr. Buchanan,

The Convention was called and the Doorkeeper sent for the absent members.

On motion of Mr. Brown,

The Convention resumed the consideration of the report of the committee on the Treasury Department.

The question pending being on the amendment offered by Mr Bowie, this morning, by striking out after the word "Comptrol-ler" in the 2nd line, 1st article, to the word "of" in the 4th line and inserting in lieu thereof the following:

"The Governor for the time being, and"

After debate thereon,

The Doorkeeper returned and reported that he had notified the absent members that their attendance in the Convention was required.

The Convention then resumed the consideration of the motion of Mr. Chambers, of Kent, to reconsider the vote of the Convention in relation to districting the city of Baltimore and the several counties of this State.

Mr. Chambers of Kent, waived his motion, and

Mr. Dent, moved to reconsider the vote of the Convention on the substitut offered by Mr. Thomas, and to be found on page 705 of Journal.

Mr. Howard, moved the previous question, and being seconded;

The question was then put,

Will the Convention reconsider their vote on said substitute offered by Mr. Thomas?

Mr. Brown, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Brent, of Charles, Merrick, Jenifer, Ridgely, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Johnson, Gaither, Annan, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters, Smith and Cockey—44.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Colston, Constable, Miller, McLane, Spencer, Grason, George, Shriver, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower and Brown—40.

So the Convention reconsidered their vote.

When Mr. Biser's name was called on the yeas and nays just taken, Mr. Shriver rose in his seat and desired it to be entered on the Journal that Mr. Biser had paid off with Mr. Tuck on the question.

Mr. Sprigg, when his name was called also stated that he had paired off and could not vote on the question.

The question was then put,

"Will the Convention adopt the substitute as offered by Mr. Thomas, and to be found on page 705 of Journal."

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—**MESSRS.** Blakistone, Hopewell, Ricaud, Donaldson, Dorsey, Wells, Randall, Kent, Brent, of Charles, Merrick Jenifer, Bell, Chandler, Ridgely, Fooks, Thomas, Johnson, Gaither, Annan, McHenry, Fiery, Neill, John Newcomer, Harbine, Brewer, Weber, Smith and Cockey—28.

NEGATIVE—**MESSRS.** Chapman, Pres't, Morgan, Dent, Lee, Chambers, of Kent, Sellman, Weems, Dalrymple, Howard, Buchanan, Welch, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Bowie, McCubbin, Bowling, Spencer, Grason, George, Dirickson, McMaster, Hearn, Jacobs, Shriver, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Prestman, Ware, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Hollyday, Fitzpatrick, Parke, Shower and Brown—58.

So the Convention refused to adopt the substitute.

Mr. Chambers, of Kent, then offered the following amendment as an independent proposition:

“That the Legislature at its first session after the adoption of this constitution shall proceed to lay off the several counties into as many election districts as they are respectively entitled to delegates in the General Assembly, one of which said delegates shall be elected in each of said districts; and shall also divide the city of Baltimore into ten districts of contiguous wards and as nearly as may be of equal population, and each of said districts shall be entitled to elect one delegate to the General Assembly.”

Which was read.

Mr. Prestman, moved for a division of the question upon said amendment.

Mr. Chambers, of Kent, moved the previous question, and being seconded,

Mr. Prestman, withdrew his motion for a division of the question upon said amendment.

Mr. Chambers, of Kent renewed the motion for a division of the question upon the amendment.

Mr. Tuck, being in the Chair, decided the amendment was not divisible;

The question was then put,

Will the Convention adopt the amendment at offered by Mr. Chambers, of Kent.

Mr. Brown, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—**MESSRS.** Chapman, Pres't, Blakistone, Dent, Hopewell, Donaldson, Dorsey, Wells, Randall, Kent, Brent, of Charles, Merrick, Jenifer, Bowling, Fooks, Johnson, Gaither, Annan,

McHenry, Schley, Fiery, Neill, John Newcomer, Brewer, Weber and Smith—25.

NEGATIVE—Messrs. Morgan, Ricaud, Lee, Chambers, of Kent, Sellman, Weems, Dalrymple, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Bowie, McCubbin, Spencer, Grason, George, Dirickson, McMaster, Hearn, Jacobs, Thomas, Shriver, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Pressman, Ware, Harbine, Michael Newcomer, Davis, Kilgour, Waters, Anderson, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—63.

So the amendment was rejected.

Mr. Chambers, of Kent, then moved the following as an independent proposition, and moved the previous question :

“The Legislature shall at its first session proceed to divide the city of Baltimore into ten districts, to be composed of two contiguous wards each, and each of said districts shall elect one delegate to the General Assembly ;”

Which was read.

The motion for the previous question being seconded ;

Mr. Thomas, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Brent, of Charles, Merrick, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Fiery, Neill, John Newcomer, Davis, Kilgour, Waters and Smith—40.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Pressman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick Parke, Shower, Cockey and Brown—49.

So the amendment was rejected.

Mr. Johnson then moved the following as an independent proposition :

“In order that each and every portion of the State may be fairly represented and its various interests protected in the Legisla-

ture for the purpose of electing delegates therein; each county in the State entitled to more than two delegates, and the city of Baltimore shall be divided into separate election districts, of compact contiguous territory or ward in the manner following: The city of Baltimore shall be divided into five districts of compact contiguous territory each of which shall be entitled to two delegates, and each of the counties having more than two delegates, shall be divided into districts of compact, contiguous territory as follows: every county now being entitled to three delegates shall be divided into two districts, one of which shall be entitled to two delegates and the other one delegate; and each county having four delegates shall be divided into two districts, each of which shall be entitled two delegates, and every county having five delegates, shall be divided into three districts, two of which shall be entitled to two delegates, and one district to one delegate; and every county having six delegates shall be divided into three districts, each of which shall elect two delegates;"

Which was read.

Mr. Chandler, moved the Convention adjourn;

Determined in the negative.

Mr. Dent, moved the previous question, and being seconded;

The question was put on the amendment as offered by Mr. Johnson.

Mr. Bowie moved for a division of the question upon said amendment.

Mr. Ricaud being in the Chair, decided the amendment was not divisible.

The question was then put on the amendment offered by Mr. Johnson.

Mr. Johnson, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Lee, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Brent, of Charles, Merrick, Jenifer, Bowling, Fooks, Johnson, Gaither, Biser, Anuan, Fiery, Neill; John Newcomer, Davis, Kilgour, Waters and Smith—27.

NEGATIVE—Messrs. Ricaud, Chambers, of Kent, Kent, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, Chambers, of Cecil, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Jacobs, Thomas, Shriver, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Prestman, Ware, Schley, Harbine,

Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—65.

So the amendment was rejected.

Mr. Bowie, then offered the following as an independent proposition ;

“The Legislature shall divide the city of Baltimore into ten districts of contiguous wards, and as nearly as may be of equal population, and each of said districts shall be entitled to elect one delegate to the General Assembly;”

Which was read.

Mr. Johnson offered as a substitute for said amendment the following:

The Legislature at its first session after the adoption of this constitution, shall provide by law for laying off and dividing the city of Baltimore into five representative districts of contiguous wards, and of as nearly equal population as convenient, each of which districts shall elect two members to the House of Delegates. The Legislature shall at the same session also provide that each county being entitled to six delegates, shall be divided into three districts of compact and contiguous territory, of as nearly equal population as convenient, each of which districts shall elect two members to the House of Delegates; that each county being entitled to five delegates, shall be divided into two districts of compact and contiguous territory, one of which districts shall elect three members, and the others shall elect two members to the House of Delegates; that each county being entitled to four delegates shall be divided into two districts of compact and contiguous territory, and of as nearly equal population as convenient, each of which shall elect two members to the House of Delegates, and that counties entitled to three delegates and less, shall elect as single districts, without division; the residence in a district requisite to give a right of suffrage shall be six months next preceding the election; but in case any voter otherwise qualified shall have less than six months residence in the district of his then residence, he shall not thereby loose his right to vote in the district in which he may have resided for the six months next preceding his removal.

Which was read.

Mr. Spencer, moved the previous question, and being seconded; The question was then put,

“Will the Convention accept the substitute?”

Mr. Johnson, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Brent, of Charles, Merrick, Jenifer, Williams, Hicks, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Bowling, Dirickson, Mc-

Master, Hearn, Fooks, Jacobs, Thomas, Johnson, Gaither, Annan, Schley, Fiery, Neill, John Newcomer, Kilgour, Waters and Smith—43.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Constable, Miller, McLane, Bowie, Spencer, Grason, George, Wright, Shriver, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—46.

So the Convention refused to accept the substitute.

The question then recurred on the adoption of the amendment as offered by Mr. Bowie.

Mr. Bowie moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Weems, Dalrymple, Brent, of Charles, Merrick, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Neill, John Newcomer, Kilgour, Waters and Smith—37.

NEGATIVE—Messrs. Sellman, Jenifer, Howard, Buchanan, Bell, Welch, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Constable, Chambers, of Cecil, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Slicer, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—50.

So the amendment was rejected.

Mr. Blakistone gave notice that on to-morrow he should move to reconsider the vote of the Convention on the amendment last offered by Mr. Johnson, and rejected by the Convention.

On motion of Mr. Blakistone,

The Convention adjourned until to-morrow morning 9 o'clock.

SATURDAY, May 10th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

On motion of Mr. Constable,

The reading of the Journal of Proceedings was dispensed with.

Mr. Constable submitted the following articles to the constitution-

1st. All rights vested and all liabilities incurred shall remain the same as if this constitution had not been adopted.

2nd. The Governor and all officers, Civil and Military, now holding commissions under the authority of this State, shall continue to hold and exercise their respective offices according to their present tenure, until they shall be superceded pursuant to the provisions of this constitution, and until their successors be duly qualified.

3rd. The Sheriffs of the several counties of this State and of the city of Baltimore respectively, shall give notice of the several elections authorised by this constitution in the same manner as they are directed by existing laws, to give notice of elections under the present constitution.

4th. This constitution if adopted by a majority of the legal votes cast on the first Wednesday of June 1851, shall go into operation on the fourth day of July 1851, and on and after said day shall supercede the present constitution of this State.

Which was read.

Mr. McMaster, moved to amend the 4th article by striking out the words "fourth day of July," and inserting in lieu thereof first day of January;"

Determined in the negative.

Mr. Blakistone, moved to amend said 4th article by striking out the words, "by a majority of the legal votes cast," and inserting in lieu thereof "by a majority of the legal voters of the State, the same to be ascertained by the number of votes cast at the last election of President and Vice President of the United States;"

Mr. Harbine, moved the previous question, and being seconded

The question was then put on the amendment as offered by Mr. Blakistone, to the 4th article.

Mr. Blakistone moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Brent, of Charles, Merrick, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Kilgour, Waters and Smith—35.

NEGATIVE—Messrs. Donaldson, Sellman, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood of Talbot, Colston, Constable, Miller, McLane, Bowie, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart of *Balt. city*, Brent of *Balt. city*, Sherwood, of *Balt. city*, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—52.

So the amendment was rejected.

The question then recurred on the adoption of the article.

On motion of Mr. Blakistone,

The three first clauses were severally read and adopted.

The question was then put on the 4th article of said amendment;

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Ricaud, Donaldson, Brent, of Charles, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Colston, Eccleston, Phelps, Constable, Miller, McLane, Bowie, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart of *Balt. city*, Brent of *Balt. city*, Sherwood, of *Balt. city*, Presstman, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—60.

NEGATIVE—Messrs. Blakistone, Dent, Hopewell, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, John Dennis, Williams, Hicks, Goldsborough, Tuck, Sprigg, McCubbin, Bowling, Fooks, Jacobs, Kilgour and Waters—24.

So the 4th article was adopted.

Mr. Ware, presented a memorial of the officers of the First Light Division of Maryland volunteers, in relation to the organization of the Militia of the State;

Which was read, and

Referred to the committee on the Militia.

On motion of Mr. Waters, it was

Ordered, That it be entered on the Journal that *Mr. Davis* has been called home by the indisposition of a member of his family.

On motion of Mr. McLane,

The Convention resumed the consideration of the report submitted by him on the 1st of February, as chairman of the committee on the Treasury Department.

The question pending before the Convention on yesterday being on the amendment offered by Bowie, by striking out the word "Comptroller," in 1st article, 2nd line these words "chosen by the qualified electors of the State at each election of members of the House of Delegates, and shall receive an annual salary of three thousand dollars, also of," and insert in lieu thereof the following:

"Who shall be the Governor of the State for the time being, and;"

On the question being put,

Will the Convention adopt said amendment? it was

Determined in the negative.

Mr. John Newcomer, then moved to amend said 1st article by striking out in the 4th line "three thousand;" and inserting in lieu thereof "two thousand;"

Mr. Spencer moved for a division of the question which was put upon striking out; and

Determined the affirmative.

The question then recurred on the motion of Mr. John Newcomer, to fill the blank with "two thousand;"

Mr. Dorsey moved to fill the blank with "fifteen hundred;"

Mr. Constable, moved to fill the blank with "twenty-five hundred;"

The question was first put on the motion of Mr. Constable, being the largest sum;"

Mr. Dorsey, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Donaldson, Randall, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood of Talbot, Colston, Williams, Goldsborough, Constable, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Thomas, Shriver, Biser, Annan, McHenry, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent of Balt. city, Ware, Neill, Kilgour, Anderson, Cockey and Brown—45.

NEGATIVE—Messrs. Ricaud, Lee, Chambers of Kent, Mitchell, Dorsey, Wells, Kent, Sellman, Weems, Dalrymple, John Dennis, Hicks, Eccleston, Phelps, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Sherwood of Balt. city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Weber, Hollyday, Fitzpatrick, Smith, Parke and Shower—41.

So the amendment was adopted.

Mr. Randall moved further to amend said 1st article by striking out in the 6th line the words "two thousand," and inserting in lieu thereof, "twenty-five hundred;"

Mr. Parke moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Ricaud, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Kent, Weems, Dalrymple, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Colston, John Dennis, Williams, Hicks, Goldsborough, Eccleston, Phelps, Constable, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, McMaster, Hearn, Thomas, Shriver, Biser, Annan, Stewart, of Balt. city, Fiery, Neill, Kilgour, Waters, Anderson and Hollyday—55.

NEGATIVE—Messrs. Lee, Sellman, Miller, Dirickson, Fooks, Jacobs, Gaither, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Ware, Schley, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Smith, Parke and Shower—28.

So the amendment was adopted.

Mr. Dorsey then moved to amend said article by striking out in the 2nd line the word "Comptroller ;"

Mr. Dorsey moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Ricaud, Lee, Mitchell, Dorsey, Wells, Kent, Sellman, Weems, Dalrymple, John Dennis, Williams, Hicks, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Stephenson, Schley, Michael Newcomer, Kilgour, Brewer and Smith—29.

NEGATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Dent, Hopewell, Chambers of Kent, Donaldson, Randall, Brent of Charles, Merrick, Jenifer, Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood of Talbot, Colston, Godsbrough, Constable, Miller, McLane, Tuck, Bowling, Spencer, Grason, George, Wright, Thomas, Shriver, Johnson, Biser, Annan, Sappington, McHenry, Magraw, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Neill, John Newcomer, Harbine, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—59.

So the amendment was not adopted.

Mr. Thomas, moved the previous question, and being seconded; The question was put on the adoption of the 1st article of said report as amended ; and

Determined in the affirmative.

The 2nd Article was then read and adopted.

The 3rd Article was then read,

Mr. Dorsey moved to amend said article by striking out in the 6th and 7th lines these words, "upon warrants issued by the

Comptroller, he shall make arrangements for the payment of interests of the public debt;"

Determined in the negative.

The said 3rd Article was then adopted.

The 4th Article was then read and adopted.

Mr. Spencer, from the committee on printing submitted the following preamble and resolutions:

Whereas, There will necessarily be sundry accounts against this Convention, growing out of the printing, and binding of the Register of the Debates, and the journal of the Convention, and the printing and circulating of the Constitution; and whereas, it would be attended with great expense for this Convention to remain in session, until these matters are closed.

Resolved, That the committee on printing be discharged.

That Messrs. Randall and Ware, be appointed, on the printing committee with all the powers of the present committee, and which powers shall continue in full force, after the adjournment of this Convention, and as long as they find it necessary, and that Samuel Peacock one of the committee clerks of this body be continued as said clerk as long as it may be required for the public service, in the opinion of the said committee, and that the President be authorized to pay on the certificates of the said committee as of the 12th May, 1851, such sums as may become due for the printing, reporting, &c.

And be it further resolved, That the per diem of the said committee and their clerk shall continue, until the termination of their duties;

Which was read.

Mr. Grason moved to postpone the consideration of said report until Monday next;

Determined in the affirmative.

On motion of Mr. Tuck,

The Convention took up for consideration the report submitted by him on the 18th April, as chairman of the committee on the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees.

Mr. Tuck moved to amend the 1st section of said report by striking out in the 6th line thereof the words, "his whole compensation shall be fifteen hundred dollars per annum," and inserting in lieu thereof "his whole compensation for salary and clerk hire shall be three thousand dollars, and no more, and he shall not receive any fees, commissions, or perquisites of any kind from any source whatever for the performance of his duties."

Mr. Morgan offered as a substitute for said section the following:

"That from and after 1st April 1859, no lottery scheme shall

be drawn in this State for any purpose whatsoever, that at the time of electing delegates to the General Assembly, there shall be elected by the qualified voters of the State, one commissioner of lotteries, who shall hold his office commencing from the expiration of the commissions of the present officers, for the period of two years, and shall be re-eligible from term to term until the close of the system when said office shall expire, that he shall enter into bond with security as now required by law, that it shall be his duty to make such a contract as will extinguish all existing lottery grants before the 1st day of April 1859, and secure to the State a nett annual revenue equal to the average derived from the system for the last five years, that all compensation for his services, shall be paid out of the fund raised for the consolidated lotteries, and shall not exceed the commissions now and heretofore received by commissioners of lotteries from the lottery grants; *provided*, that said commissioner shall not receive a greater amount of commission or compensation than the amount now received by one of the present lottery commissioners out of said grants."

Which was read.

Mr. John Newcomer moved the previous question.

On motion of Mr. Spencer,

The House was called and the doorkeeper sent for the absent members.

Mr. McHenry, moved to suspend further proceedings under the call.

Determined in the negative.

On motion of Mr. Spencer, the convention resolved to proceed with the ordinary business of the session during the absence of the doorkeeper.

Mr. John Newcomer submitted the following order.

Ordered, That when this convention adjourns to night it stands adjourned until Monday morning next at 9 o'clock.

Which was twice read and adopted.

Mr. Magraw submitted sundry accounts.

Which was read and referred to the Committee on Accounts.

Mr. Magraw from the select Committee, submitted the following report:

The undersigned appointed under an order passed on the 28th ult., respectfully report that in pursuance of said order they have examined the Record of the Journal of Proceedings which has been kept by the secretary of the Convention and find from the examination which they have been able to make that as far as completed it is an accurate transcript of the proceedings. It will require several weeks to finish the record and by an order which recently passed the Convention the secretary has had other labours imposed upon him which will require much of his time after the

adjournment of the Convention. In consideration of the arduous duties which have devolved upon the secretary during the session of the Convention, the committee would recommend that his per diem should be increased, and that it should extend to such a period as will enable him to complete the extra duties imposed upon him. Your committee therefore respectfully submit the following resolutions.

SAMUEL M. MAGRAW,
GEORGE C. MORGAN,
J. M. S. McCUBBIN.

Resolved, That the secretary of this Convention be directed to have prepared a manuscript Record of the proceedings of the Convention, and to have the same placed in the State Library.

Resolved, That the committee on accounts be directed to pay to George G. Brewer, secretary of the Convention as compensation for his services six dollars per diem from the commencement of the session to the 1st day of June next, in lieu of all other compensation.

Which was read.

Mr. Welsh moved to amend said resolution by inserting after the word "Secretary," the words "and Assistant Secretary."

Determined in the negative.

Mr. Spencer moved to amend said resolution by striking out "six," and inserting in lieu thereof "four."

Mr. John Newcomer moved the previous question and being seconded.

The question was put,

Will the Convention adopt said amendment.

Mr. John Newcomer, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lloyd, Sherwood of Talbot, C. I. ston, Spencer, Dirickson, McMaster, Thawley, Sherwood of Balt. Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Parke, Cockey and Brown—16.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Lee, Chambers of Kent, Donaldson, Wells, Randall, Kent, Sellman, Howard, Buchanan, Bell, Welch, John Dennis, Williams, Hodson, Goldsborough, Eccleston, Constable, Miller, McLane, Bowie, Tuck, Sprigg, McCubbin, Bowling, Grason, George, Wright, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Gwinn, Stewart of Balt. city, Brent of Balt. city, Prestman, Ware, Waters, Anderson, Weber, Hollyday, Fitzpatrick and Smith—56.

So the convention refused to adopt the amendment.

The question then recurred and was put on the adoption of the resolution, and

Determined in the affirmative.

Mr. Grason, submitted the following order :

Ordered, That the President of the Convention be allowed a per diem of six dollars.

Which was read.

The Hour of 2 o'clock having arrived.

The Convention took a recess until 4 o'clock P. M.

FOUR O'CLOCK P. M.

The Convention met.

Mr. Neill, moved that the Committee on accounts have leave to sit during the session of the Convention.

Determined in the affirmative.

Mr. Spencer, (being in the chair) informed the Convention that the matter pending at the time of the adjournment, was the order offered by Mr. Grason, in relation to the per diem to be allowed the President of the Convention.

On motion of Mr. Michael Newcomer,

The convention was called and the doorkeeper sent for the absent members;

On motion of Mr. Tuck,

Further proceedings under the call was dispensed with.

On motion of Mr. Tuck,

The convention then resumed the consideration of the report submitted by him as chairman of the committee, respecting the appointment, tenure of office, duties and compensation of all civil officers not embraced in the duties of other standing committees.

The question pending being on the amendment offered by Mr. Tuck, to the 1st section of said report.

Mr. Donaldson, moved to amend said amendment by adding the following:

"And all provisions of law allowing to lottery commissioners any commissions whether from the amount raised by the lottery system or in any other manner are hereby abrogated.

Which amendment Mr. Tuck accepted.

Mr. John Newcomer, moved the previous question and being seconded,

Mr. Smith, moved the question be taken by yeas and nays,
Which motion was not sustained ;

The question was then put on the amendment as offered by Mr. Tuck, and amended on the motion of Mr. Donaldson, and

Determined in the negative.

The question then recurred on the adoption of the amendment as offered by Mr. Morgan, being a substitute for the 1st section of the report;

Mr. Donaldson, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pr't, Morgan, Blakistone, Dent, Lee, Kent, Sellman, Howard, Buchanan, Bell, Lloyd, John Dennis, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, McLane, Bowie, Sprigg, McCubbin, Bowling, Wright, Dirickson, McMaster, Hearn, Fooks, Johnson, Gaither, Annan, Stephenson, Magraw, Nelson, Gwinn, Stewart of Balt. city, Brent of Balt. city, Schley, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Anderson, Hollyday, Fitzpatrick, Smith, Parke, Shower and Cockey—50.

NEGATIVE—Messrs. Donaldson, Randall, Sherwood of Tal., Colston, Tuck, Spencer, Grason, George, Shriver, Biser, Sappington, McHenry, Thawley, Hardcastle, Sherwood of Balt. city, Weber and Brown—17.

So the convention accepted the substitute.

The said 1st section was then adopted.

The 2nd section was then read.

Mr. Tuck, moved as a substitute for said section, the following:

“There shall be a commissioner of the Land Office, elected by the qualified voters of the State, at the first general election of delegates to the Assembly after the ratification of this constitution, who shall hold his office for the term of six years from the first day of January next after his election. The returns of said election shall be made to the Governor, and in the event of a tie between any two or more candidates, the Governor shall direct a new election to be held, by writs to the several sheriffs, who shall hold said election after at least twenty days notice, exclusive of the day of election.

The said commissioner shall sit as Judge of the Land Office, and receive therefor the sum of two hundred dollars per annum, to be paid out of the State Treasury. He shall also perform the duties of the register of the Land Office, and be entitled to receive therefor the fees now chargeable in said office, and he shall also perform the duties of Examiner General, and be entitled to receive therefor the fees now chargeable by said office.

The office of Register of the Land Office and Examiner General, shall be abolished from and after the election and qualification of the commissioner of the land office;”

On the question being put,

Will the Convention accept said substitute? it was
Determined in the affirmative.

The said 2nd section was then adopted.

Mr. Brown moved to amend said report of the committee by inserting as an additional section, the following :

“The State Librarian shall be elected by the joint vote of the two branches of the Legislature for two years, and until his successor shall be elected and qualify. His salary shall be one thousand dollars per annum. He shall perform such duties as are now or may hereafter be prescribed by law;”

Which was read.

Mr. Fitzpatrick, offered as a substitute for said amendment, the following :

“State Librarian—the State Librarian shall be appointed by the Governor, by and with the advice and consent of the Senate, hold his office for the term of six years, and receive an annual salary of one thousand dollars;”

Which was read.

On the question being put,

Will the Convention accept the substitute? it was

Determined in the negative.

The question then recurred and was put on the adoption of the amendment as offered by Mr. Brown, as an additional section ; and

Determined in the affirmative.

Mr. Howard, moved further to amend said report by adding at the end thereof, as an additional section, the following :

“The Adjutant General shall be appointed by the Governor, by and with the advice and consent of the Senate, shall hold his office for the term of six years, and receive the same salary as heretofore, until changed by the Legislature;”

Which was read.

On the question being put on the adoption of said section; it was
Determined in the affirmative.

Mr. Jacobs, moved further to amend said report by adding at the end thereof as an additional section, the following :

“One wreck-master for Worcester county, and one surveyor for Baltimore city, and each of the several counties in this State, shall be elected by the qualified voters in the city and counties respectively ; whose first election shall take place at the same time and place, and in the same manner that delegates to the Legislature shall be chosen first after the adoption of this constitution ; and in like manner, once in every two years thereafter. Their duties and compensations shall be prescribed by law, and the county

commissioners shall provide for any vacancies happening in their respective counties between regular periods of election as aforesaid;"

Which was read.

Mr. Brent of Balt city, moved for a division of the question on said amendment, being in these words: "One wreck-master for Worcester county;"

Determined in the affirmative.

The question was then put on the 2nd and last branch of said amendment; and

Determined in the affirmative.

The 4th section of said report was then read,

On motion of Mr. Constable,

Said section was amended by inserting after the word "counties," in the 4th line, these words "on the first Wednesday of November 1851, and on the same day in every second year forever thereafter;"

The question then recurred on the adoption of the section as amended;

Mr. McHenry, offered as a substitute for said section the first three sections of the report submitted by him on the 8th inst.; and to be found on page 748 of Journal.

Which was read.

On motion of Mr. Wells,

The Convention postponed the further consideration of said report for the purpose of enabling him to make sundry reports from the committee on Accounts.

Mr. Wells, chairman of the committee on Accounts, submitted the following resolution:

The undersigned report that they have examined sundry accounts for making and lithographing Map and for Newspapers, &c., amounting to sixteen hundred and fifty-six dollars and thirty-four cents, (1656 34,) which were referred to the committee by several orders of the Convention, and recommend the adoption of the following resolution:

G. WELLS,
W. WILLIAMS,
EDWD. LLOYD,
ALEX. NEILL, JR.,
ELIAS WARE, JR.,

Committee on Accounts.

Resolved, That the accompanying claims amounting to \$1656.34, the vouchers for which are herewith filed, be paid by the orders of the President of the Convention on the Treasurer of the State, in favor of the persons entitled to the same.

Which was read and adopted.

Mr. Wells, chairman of the committee on Accounts, to which were referred sundry accounts from clerks of courts and commissioners of tax, amounting to \$490, stated that the committee had had

the same under consideration, and had directed him to report the same back to the Convention for instructions.

Mr. Gwinn, moved the Convention be discharged from the further consideration of the same.

Determined in the affirmative.

Mr. Wells, chairman of the committee on Accounts, submitted the following resolution :

Resolved, That the Librarian be paid such sum for his services in purchasing stationery, &c., as the committee of accounts may certify to the President, ought to be allowed.

Which was read and adopted.

Mr. Neill, from the committee on accounts, submitted the following order :

Ordered, That the President of the Convention pay to John W. Rider, clerk to the committee on accounts, the sum of seventy dollars, for making out a balance sheet of all the accounts on the Journal of accounts.

Which was read.

On the question being put,

Will the Convention adopt said order ?

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapin, Pres't, Morgan, Blakistone, Dent, Donaldson, Wells, Randall, Kent, Buchanan, Bell, Lloyd, Colston, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, Bowie, George, Wright, Dirickson, Hearn, Fooks, Jacobs, Johnson, McHenry, Magraw, Gwinn, Ware, Neill, Kilgour, Waters, Anderson and Smith—37.

NEGATIVE—Messrs. Lee, Mitchell, Sellman, Sherwood of Talbot, Miller, Tuck, Spencer, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Carter, Thawley, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Parke, Cockey and Brown—26.

So the order was adopted.

On motion of Mr. Dent, it was

Ordered, That the committee on Accounts be directed to settle two accounts rendered for expenses amounting to \$14, and which was incurred in sending to Washington city for the maps ordered by the Convention.

Mr. Donaldson, having been excused from serving on the committee on Printing ;

The President substituted Mr. Phelps in his place.

The Convention then resumed the consideration of the report submitted by Mr. Tuck, as chairman of the committee respecting the appointment, tenure of office, duties and compensation of all civil officers, &c.,

The question pending being on the substitute offered by Mr. McHenry, for the 4th section of the report.

Mr. McHenry, withdrew said substitute.

On motion of Mr. Tuck,

The 4th section of said report was amended by inserting after the word "for," these words, "determining the number for each county, and;"

Mr. Tuck, moved further to amend said 4th section by adding at the end thereof the following :

"And the number of commissioners that may be hereafter prescribed by law shall not be changed;"

Determined in the negative.

The said 4th section was then adopted as amended.

Mr. McHenry, moved further to amend said report of the committee by inserting as an additional section, the section to be found in his report on page 748 of Journal, and marked section 4th.

Mr. Dent, moved to amend said amendment by striking out the words "Justices of the Peace," and inserting in lieu thereof "competent persons;"

Determined in the negative.

The question then recurred upon the adoption of the amendment as offered by Mr. McHenry;

Determined in the negative.

The 5th section of said report was then read.

Mr. Constable, moved to amend said section by inserting after the words "the General Assembly," the words "shall provide by law for the election of road supervisors in the several counties by the voters of the election district respectively, and;"

Mr. Blakistone, offered as a substitute for said 5th section the following :

"The commissioners of the several counties of this State, after the adoption of this constitution, shall fix the number of Supervisors of roads for the several election districts of their respective counties, who shall be elected by the legal voters of said districts respectively, at the first general election of delegates, and at each general election of delegates that may happen thereafter, and in case of the death or removal of any supervisor, the commissioners shall supply such vacancy until the next general election, and any person elected supervisor, who shall refuse to act shall be subject to a penalty of \$10, unless such person has previously served in such capacity within the last ten years next preceding."

Which was read.

The President ruled the substitute to be out of order.

The question then recurred on the adoption of the amendment as offered by Mr. Constable;

Mr. John Newcomer, moved the previous question, and being seconded;

The question was then put on the adoption of the amendment as offered by Mr. Constable.

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Sellman, Buchanan, Bell, Chandler, Constable, Miller, Bowie, Spencer, George, Wright, Dirickson, Jacobs, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Smith, Parke and Cockey—43.

NEGATIVE—Messrs. Chapman, Pres't. Dent, Lee, Chambers of Kent, Mitchell, Donaldson, Wells, Randall, Kent, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Tuck, Sprigg, McCubbin, McMaster, Hearn, Fooks, Thawley, Hardcastle, Kilgour, Waters, Hollyday and Brown—31.

So the amendment was adopted.

The question then recurred on the adoption of the 5th section as amended;

Mr. Brown, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Blakistone, Buchanan, Bell, Chandler, Constable, Miller, Bowie, Spencer, George, Wright, Dirickson, Jacobs, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Gwinn, Stewart of Balt. city, Brent of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—42.

NEGATIVE—Messrs. Chapman, Prest. Morgan, Dent, Lee, Mitchell, Donaldson, Randall, Kent, Sellman, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hodson, Goldsborough, Eccleston, McCubbin, McMaster, Hearn, Fooks, Thawley, Hardcastle, Kilgour, Waters and Hollyday—26.

So the 5th section as amended was adopted.

The 6th section of said report was then read;

Mr. John Newcomer, moved to strike out said 6th section of the report;

Mr. Tuck, offered as a substitute for said section, the following :

“All offices by Executive appointment for the weighing, gauging, measuring, culling or inspecting any merchandize, produce, manufactures or commodity whatever, except tobacco, live stock, hay and straw, shall be abolished after the first day of January next; and no such office shall thereafter be created by law; but nothing herein contained shall abrogate any office created for the

purpose of protecting the public health or the interests of the State in its property, revenues, tolls or purchases, or of supplying the people with correct standards of weights and measures, or shall prevent the creation of any office for such purposes hereafter; and it shall be the duty of the Legislature at its first session under this constitution, and from time to time thereafter to pass such laws as may be deemed necessary or expedient for licensing persons to weigh, gauge, measure, cull or inspect any merchandize, produce, manufacture or commodity whatever, except tobacco, live stock, hay and straw;”

Which was read.

Mr. Johnson moved to amend said substitute by inserting after the word “stock,” the word “flour;”

Which amendment Mr. Tuck accepted.

Mr. Spencer moved to amend said amendment by inserting after “flour,” the words “salted provisions,”

Determined in the negative.

Mr. Gwinn, moved for a division of the question upon striking out;

Mr. Gwinn, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres’t, Morgan, Blakistone, Dent, Donaldson, Wells, Randall, Kent, Sellman, Bell, Welch, Lloyd, Sherwood of Talbot, Colston, John Dennis, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, Miller, Bowie, Tuck, McCubbin, Spencer, Wright, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Thawley, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Prestman, Ware, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Biewer, Waters, Anderson, Weber, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—68.

NEGATIVE—Messrs. Lee, Buchanan, Williams, McLane, George and McHenry—6.

So the Convention agreed to strike out.

The question was then put on the adoption of the amendment as offered by Mr. Tuck ;

Mr. Shriver, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blackistone, Dent, Lee, Mitchell, Donaldson, Wells, Randall, Buchanan, Welch, Lloyd, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McLane, Tuck, George, Dirickson, McMaster, Hearn, Jacobs, Gaither, McHenry, Schley, John Newcomer, Kilgour, Waters, Fitzpatrick, Smith and Cockey—34.

NEGATIVE—Messrs. Chapman Pres’t, Kent, Sellman, Bell, Chandler, Sherwood of Talbot, Colston, Constable, Miller, Bowie,

McCubbin, Spencer, Wright, Fooks, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Parke, Shower and Brown—38.

So the amendment was rejected.

Mr. Bowie, then moved to amend said report by adding at the end thereof as an additional section, the following :

“The Legislature shall at its first session after the ratification of this constitution provide by law for the sale of the State Tobacco Warehouses in the city of Baltimore, and for the withdrawal of the inspections of tobacco from said city ; and with the proceeds of the sales thereof to provide for the building and erection of State Tobacco warehouses, for the inspection of tobacco, in the tobacco growing sections of the State ; the surplus, if any, after paying the expenses of building said warehouses, shall be placed to the credit of the sinking fund to be applied towards the payment of the public debt.”

Which was read.

Mr. Stewart, of Baltimore city, moved the previous question, and being seconded,

Mr. Bowie, moved the question be taken by yeas and nays and being ordered, appeared as follows

AFFIRMATIVE—Messrs. Chapman, Pres’t, Lee, Wells, Randall, Kent, John Dennis, Hicks, Eccleston, Phelps, Bowie, McCubbin, Hearn, Jacobs, Fiery, Neill and Michael Newcomer—16.

NEGATIVE—Messrs. Blackistone, Dent, Donaldson, Sellman, Buchanan, Bell, Welch, Lloyd, Sherwood of Talbot, Colston, McLane, Spencer, George, Thomas, Shriver, Johnson, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Hardcastle, Gwinn, Stewart, of Balt. city, Brent of Baltimore city, Sherwood of Balt. city, Ware, Schley, John Newcomer, Harbine, Brewer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—42.

So the amendment was rejected.

The said report having been read through and adopted,

Mr. Thomas, moved the convention take up for consideration the report of the committee on the Legislative Department.

Mr. Hicks, moved the Convention adjourn ;

Determined in the negative.

The question then recurred on the motion of Mr. Thomas, to take up for consideration the report of the committee on the Legislative department, and

Determined in the affirmative.

On motion of Mr. Hicks,

The House was called and the door-keeper sent for the absent members ;

Mr. Dent, moved the Convention adjourn;

Mr. Eccleston, moved the question be taken by yeas and nays;

Which motion was not sustained.

The question was then put on the motion of Mr. Dent, to adjourn, and

Determined in the negative.

On motion of Mr. Spencer,

The Convention resolved to proceed with the ordinary business of the session during absence of the doorkeeper;

Mr. Spencer, then moved to take up the motion previously made by him to reconsider the vote of the Convention on the 21st section of the Judiciary report;

Mr. Phelps, moved to lay the motion on the table;

Mr. Spencer, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Dent, Lee, Donaldson, Wells, Kent, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, McCubbin, Thomas, Shriver, Gaither, Biser, Sappington, Stephenson, McHenry, Nelson, Gwinn, Stewart of Balt. city, Ware, Schley, Neill, Michael Newcomer, Kilgour, Waters, Weber, Hollyday, Fitzpatrick and Brown—43.

NEGATIVE—Messrs. Randall, Miller, McLane, Bowie, Tuck, Spencer, George, Dinckson, McMaster, Hearn, Fooks, Jacobs, Magraw, Thawley, Hardcastle, Fiery, Harbine, Brewer, Smith, Parke, Shower and Cockey—22.

So the Convention laid the motion on the table.

Mr. John Newcomer, moved to reconsider the vote of the Convention on the amendment offered by Mr. Donaldson, on the 11th of April, and to be found on page 584 of Journal; as an amendment to the report of the committee on further Amendments and Revisions of the Constitution.

Mr. Fitzpatrick, moved to lay said motion on the table;

Mr. Harbine, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Lloyd, Sherwood of Talbot, Colston, Constable, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Ware, Brewer, Anderson, Hollyday, Fitzpatrick, Shower, Cockey and Brown—37.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blackstone,

Dent, Lee, Donaldson, Wells, Randall, Kent, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, McHenry, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour and Smith—35.

So the motion was laid on the table.

Mr. Bowie, moved that the Convention reconsider their vote just taken on the motion to lay on the table ;

The Doorkeeper having returned and reported that he had notified the absent members that their attendance in the Convention was required.

Mr. Thomas, then moved the Convention proceed to the consideration of the report of the committee on the Legislative Department ;

Mr. Buchanan, moved the Convention adjourn ;

Determined in the negative.

The question was then put on the motion of Mr. Bowie, to reconsider the vote of the Convention laying the motion of Mr. John Newcomer on the table, to reconsider the vote of the Convention on the amendment offered by Mr. Donaldson ;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Dent, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Buchanan, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, McHenry, Schley, Fiery, Neill, John Newcomer, Harbine, Kilgour and Smith—37.

NEGATIVE—Messrs. Howard, Bell, Welch, Lloyd, Sherwood of Talbot, Colston, Constable, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Magraw, Nelson, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Ware, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—40.

So the Convention refused to reconsider.

The Convention then resumed the consideration of the report of the committee on the Legislative Department ;

Mr. Brent of Balt. city, offered the following as an additional section to said report :

“The Legislature shall not hereafter incorporate any company for the transportation of freight or passengers, without providing that there shall be uniform rates or charges for all such transportation in any given distance, nor shall any further privileges or in-

dulgence be granted by any future law to any existing company, incorporated for the transportation of freight or passengers, without providing and requiring that there shall be uniform rates or charges for all such transportation in any given distance."

Mr. Brent of Balt. city, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Lee, Sherwood, of Talbot, John Dennis, Constable, Miller, Bowie, Dirickson, McMaster, Jacobs, Shriver, Johnson, Gaither, Biser, Stephenson, Thawley, Hardcastle, Brent of Baltimore city, Sherwood, of Balt. city, Michael Newcomer, Hollyday, Fitzpatrick, Smith and Shower—25.

NEGATIVE—Messrs. Blakistone, Dent, Donaldson, Wells, Randall, Kent, Howard, Bell, Lloyd, Colston, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, McLane, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George, Wright, Fooks, Thomas, Annan, McHenry, Magraw, Carter, Gwinn, Stewart of Balt city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Waters, Cockey and Brown—42.

So the amendment was rejected.

Mr. Hicks, then moved to amend said report by adding at the end thereof the following as an additional section:

"That it shall be the duty of the Legislature, whenever a majority of the delegates from the Eastern Shore shall require it, to pass an act authorising the qualified voters of the Eastern Shore of this State, at the next regular election thereafter, to determine for or against a withdrawal of that part of the State of Maryland, known as the Eastern Shore, from the Western Shore, for the purpose of uniting the same with the State of Delaware; provided, such withdrawal and union be peaceable, mutual, and in accordance with the authority of the Congress of the United States."

Mr. Hicks, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Sellman, Bell, Sherwood of Talbot, John Dennis, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, McCubbin, Dirickson, McMaster, Fooks, Jacobs, Johnson, Biser, Thawley, Hardcastle, Brent of Balt. city, Neill, Michael Newcomer, Kilgour, Fitzpatrick, Shower and Brown—27.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Donaldson, Wells, Randall, Kent, Howard, Welch, Lloyd, Colston, Williams, Constable, Miller, McLane, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Waters, Anderson, Weber, Hollyday, Smith and Cockey—46.

So the amendment was rejected.

Mr. Donaldson moved to amend the 3rd section of said report

by adding at the end thereof, the following : "but an election for Senators shall be held in the year 1851, in Howard county, and in all those counties in which Senators were elected in the year 1846 ;

Which was read.

Mr. Bowie moved to amend said amendment by striking out all after "Howard county," to the end of said section;

Mr. Spencer moved the previous question, and being seconded;

Mr. Bowie, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Welch, Bowie, McCubbin, Fooks, Kilgour and Brewer—6.

NEGATIVE—Messrs. Chapman, Pres't. Blakistone, Dent, Lee, Chambers of Kent, Donaldson, Wells, Randall, Kent, Howard, Bell, Chandler, Lloyd, Sherwood of Talbot, Colston, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, Miller, McLane, Tuck, Sprigg, Spencer, Grason, George, Wright, Dirickson, McMaster, Hearn, Thomas, Shriver, Johnson, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Thawley, Hadcastle, Gwinn, Stewart of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke, Cockey and Brown—64.

So the amendment was rejected.

The question then recurred and was put, on the adoption of the amendment as offered by Mr. Donaldson ; and

Determined in the affirmative.

The said 3rd section was then adopted as amended.

Mr. Chambers, of Kent, then moved to amend the 4th section of said report, by inserting at the end of the 7th line in said section the following ; "provided, that in no case shall any Senator be placed in a class which should entitle him to serve for a longer term than that for which he was elected ;"

Mr. Shriver moved the previous question, and being seconded.

The question was put, on the adoption of said amendment ; and

Determined in the affirmative.

The said 4th section was then adopted as amended.

Mr. Johnson offered as an additional section to said report, the following :

"After the ratification of this constitution no note, bond, contract, debt or obligation of any kind whatsoever shall be enforced in any court of law or equity in this State against the security for the same, except it be against securities upon executors, administrators and guardians bond or bonds entered into by public officers for the performance of duties therein contained, or bonds for the performance of some trust or recognizance or bail entered into before some competent tribunal of this State, or appeals on writs of error or bills

of exceptions from some inferior to a superior court, or of other public officers; provided, that it shall not effect any contract or obligation entered into previous to the adoption of this constitution."

Which was read.

Mr. Stewart, of Baltimore city, moved the previous question and being seconded,

Mr. Johnson moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sherwood, of Talbot, Bowie, Jacobs, Johnson, Annan, McHenry, Fiery, Michael Newcomer, Cockey and Brown.—10.

NEGATIVE—Messrs. Chapman, Pres't, Blackistone, Dent, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Kent, Howard, Bell, Welch, Lloyd, Colston, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Miller, McLane, Tuck, Sprigg, McCubbin, Bowling, Spencer, Grason, George Dirickson, McMaster, Hearn, Fooks, Shriver, Gaither, Biser, Stephenson, Carter, Thawley, Hardcastle, Gwinn, Stewart, of Balt. city, Ware, Schley, Neill, John Newcomer, Harbine, Biewer, Waters, Anderson, Weber, Hollyday, Fitzpatrick, Smith, Parke and Shower—57.

So the amendment was rejected.

Mr. Sprigg, moved the Convention adjourn.

Determined in the negative.

Mr. Thomas, submitted the following order.

Ordered, That the standing order of this House, moved by Mr. Howard, and adopted on the 8th inst., shall not be construed as applying to the report on the Elective Franchise, and on the Colored Population.

Which was read.

Mr. Bowie, moved to amend said order by adding at the end thereof the words "and the Judiciary;"

Determined in the negative.

Mr. Morgan, moved to amend said order by adding at the end thereof the words "or to any other business;"

Mr. Constable, moved the previous question, and being seconded, The question was then put on the adoption of the amendment;

Mr. Morgan, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Lee, Donaldson, Wells, Randall, Kent, John Dennis, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Thawley, Schley and Smith—27.

NEGATIVE—Messrs. Howard, Bell, Chandler, Lloyd, Sherwood of

Talbot, Colston, Williams, Hicks, Phelps, Constable, Miller, McLane, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

So the amendment was rejected.

At 12 o'clock at night,

Mr. Morgan, moved the Convention adjourn,

Mr. Bowie moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Dent, Lee, Donaldson, Randall, Kent, Bell, John Dennis, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Johnson, Thawley, Schley, Kilgour, Waters and Smith—30.

NEGATIVE—Messrs. Howard, Welch, Chandler, Lloyd, Sherwood of Talbot, Colston, Constable, Miller, McLane, Spencer, Grason, George, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Hardcastle, Gwinn, Stewart of Balt. city, Sherwood of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—39.

So the Convention refused to adjourn.

Mr. Bowie, moved a call of the Convention;

Mr. Blakistone, moved the Convention adjourn,

Determined in the affirmative.

And the Convention accordingly adjourned until Monday morning 9 o'clock.

MONDAY, May 12th, 1851.

The Convention met.

Prayer by the Rev. Mr. Griffith.

The Proceedings of Saturday were read.

Mr. Wells, chairman of the committee on accounts, stated that the journal of accounts had been closed, and therefore asked that the said committee be discharged from the further consideration thereof.

On the question being put, on discharging said committee, it was Determined in the affirmative.

The President presented several accounts against the Convention;

Which were read, and laid on the table.

Mr. Donaldson, chairman of the select committee on the subject of Licenses, stated to the Convention, that they had considered the various memorials referred to said committee on that subject, and were of opinion, that it was a subject more properly belonging to the Legislature and asked to be discharged from the further consideration thereof.

Mr. Weber, in behalf of himself and Mr. Fooks, the minority of the committee, proposed to report the following :

"At the time when the votes of the qualified voters shall be taken for the adoption or rejection of this constitution, the additional section, in the words following to wit: "No license to traffic in intoxicating liquors shall be granted in any ward of the city of Baltimore, or any of the election districts in either of the counties of this State after a majority of the votes of such ward or election district, at any general election, shall vote against granting such licenses, and until such decision shall be reversed at a subsequent general election," shall be separately submitted to the voters for adoption or rejection, in the form following to wit: A separate ballot may be given and deposited in a separate box. Upon the ballots given for said separate section shall be written or printed, the words "For the License Section;" and upon the ballots given against said section, in like manner, the words "Against the License Section." If a majority of the votes cast are in favor of the section, it shall be a part of the constitution, and the General Assembly at its first session, shall pass such law or laws as may be necessary to give it effect and operation."

Mr. Howard, rose to a point of order, that the order adopted on on the 8th inst., in relation to the origination of new business; it was not competent to receive the report of the majority and minority of said committee;

Mr. Buchanan, (being in the chair,) ruled the report and substitute out of order.

Mr. Howard, submitted the following resolution:

Resolved, That the thanks of this Convention be, and they are hereby tendered to the Hon. John G. Chapman, for the dignified, impartial and able manner in which he has discharged the arduous and responsible duties of the chair during its protracted session.

Which was read, and

On motion of Mr. Howard,

Was unanimously adopted.

The convention then resumed the consideration of the order submitted by Mr. Thomas, on Saturday night, that the order of the

house moved by Mr. Howard, and adopted on the 8th instant, shall not be construed as applying to the report on the Elective Franchise and on the coloured population.

The said order was then adopted.

Mr. Chambers of Kent, moved that the convention take up for consideration the report of the committee on the Elective Franchise, irrespective of any further proceedings had thereon in committee of the whole.

Determined in the affirmative.

On motion of Mr. Chambers of Kent, the 1st section of said report was amended by striking out in 4th line the words "of Howard District."

Mr. Fooks moved further to amend said 1st section by inserting after the word "held," in the 7th line the following :

"After having taken an oath, (if not conscientiously scrupulous and in such case, affirmation) that he has not received and will not receive any fee or reward for his vote at said election, and that he has not given or offered to give and will not give or offer to give directly or indirectly any fee or reward to bribe, or assist in bribing or influencing any voter at said election or to induce any person not to vote at said election."

Determined in the negative.

Mr. Fooks, moved for the yeas and nays, which motion was not sustained.

Mr. Stewart of Baltimore city, moved to amend said 1st section by striking out from the word "ballot" in the 8th line to the end of said section.

Mr. Spencer moved to amend said section by striking out in the 10th line these words "Senator, delegate or other officer or officers."

Mr. Phelps moved the previous question and being seconded.

On motion of Mr. Spencer,

The convention was called and the doorkeeper sent for the absent members.

On motion of Mr. Spencer,

The convention resolved to proceed with the ordinary business of the session during the absence of the doorkeeper.

On motion of Mr. Spencer,

The Convention took up for consideration the report submitted by him from the committee on Printing on the 10th instant and to be found on page 772 of Journal.

Mr. Spencer with the consent of the convention withdrew said report and substituted in lieu of it the following :

Whereas, there will necessarily be sundry accounts against this convention, growing out of the printing and binding of the Regis-

ter of Debates, and the Journal of the Convention and the printing and circulating of the constitution and for other matters.

And whereas, It would be attended with great expense for this convention to remain in session, until these matters are closed,

Resolved, That the committee on printing be discharged; that Messrs. Randall, Ware and Magraw, be appointed on the printing committee with all the powers of the present committee, and of the powers vested in the committee on accounts and which powers shall continue in full force, after the adjournment of this convention and as long as they find it necessary, and that Samuel Peacock one of the committee clerks of this body be continued as said clerk as long as it may be required for the public service in the opinion of the said committee, and that the President be authorised to draw on the Treasury on the certificates of the said committee as of the 12th of May, 1851, such sums as may become due for printing, reporting and on other accounts.

Resolved, That the per diem of the said committee and their clerk shall continue until the termination of their duties.

Resolved, That the reporter of this convention be allowed by the committee the sum of four dollars per day, as long as in the opinion of the committee it may be necessary for him to be detained in this place, in the discharge of his duty as said reporter, and that the said committee be authorised to pay all bills of postage of the said reporter, growing out of his correspondence with the members of this convention.

Resolved, That the President of this convention be allowed his necessary expenses in travelling to and from this place on business connected with the convention and the sum of \$4 00 per day, as long as he may be detained here.

Which was read.

On motion of Mr. Weems,

Said preamble and resolutions were amended by adding at the end thereof the following proviso:

“Provided, said committee shall not sit longer than the 1st day of June next.”

The said preamble and resolutions having been read through as amended,

Mr. Thawley moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blackistone, Hopewell, Ricaud, Lee, Chambers of Kent, Sellman, Weems, Brent of Charles, Buchanan, Lloyd, Colston, John Dennis, Williams, Hicks, Hodson, Eccleston, Phelps, Constable, Miller, McLane, Bowie, McCubbin, Spencer, George, Wright, McMaster, Thomas, Shriver, Johnson, Biser, Annan, McHenry, Nelson, Carter, Stewart, of

Balt. city, Brent, of Balt. city, Presstman, Harbine, Waters, Anderson, Weber, Hollyday, Smith and Brown—45.

NEGATIVE—Messrs. Dent, Dorsey, Kent, Dalrymple, Bell, Ridgely, Sherwood of Talbot, Dashiell, McCullough, Hearn, Fooks, Gaither, Sappington, Stephenson, Thawley, Stewart of Caroline, Hardcastle, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Brewer, Fitzpatrick, Parke and Cockey.—26.

So the preamble and resolutions were adopted.

The doorkeeper having returned, reported that in obedience to order he had notified the absent members, that their attendance in the convention was required.

The Convention then resumed the consideration of the report of the committee on the Elective Franchise.

The question pending being on the amendment proposed by Mr. Stewart, of Baltimore city, to strike out all after the word "ballot," in the 8th line to end of said section.

Mr. Stewart, of Balt. city, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Lloyd, Sherwood, of Talbot, Colston, Constable, McCullough, Miller, McLane, Spencer, George, Wright, Shriver, Biser, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart of Baltimore city, Brent, of Balt. city, Sherwood of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—42.

NEGATIVE—Messrs. Chapman, President, Morgan, Blakis; tone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Brent, of Charles, Jenifer, Ridgely, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Thomas, Gaither, Annan, Schley, Fiery, Neill, John Newcomer, Kilgour, Waters and Smith—45.

So the amendment was rejected.

The question then recurred on the motion of Mr. Spencer, to strike out in 10th line of said section, these words "Senator, delegate or other officer or officers."

Mr. Spencer, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Constable, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Biser, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Caroline, Hardcastle, Gwinn, Brent, of Balt. city, Sherwood, of Balt. city, Presstman, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Parke, Shower, Cockey and Brown—37.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Brent, of Charles, Jenifer, Ridgely, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Annan, Schley, Fiery, Neill, John Newcomer, Waters and Smith—43.

Determined in the negative.

The 1st section of said report was then adopted.

Mr. Dorsey, moved to postpone the consideration of the report of the committee on the Elective Franchise, to enable him to offer the following as an independent article :

“No Governor, Judge of any court of this State, or Clerk, or Chancellor or Register thereof, or Register of the Chancery court, or Register of the Land Office, or Comptroller or Treasurer of the State, shall be permitted to practise law or appear as Attorney, Counsel, Solicitor or Proctor in any court of this State;”

On the question being put,

Will the Convention postpone said report? it was

Determined in the negative.

The Convention then resumed the consideration of the report of the committee on the Elective Franchise.

The second section of said report was then read.

Mr. Dorsey, moved to amend said section by adding at the end thereof the following :

“And the person to whom such bribe, present, reward, promise or security may have been offered or given, shall be a competent witness to prove the offence, and may be compelled to testify as such; and if so testifying, should he have received the same, he shall be exempt from all punishment therefor; and the person by whom such bribe, present, reward, promise or security may have been offered or given, shall be a competent witness, and may as such be compelled to testify; and if so testifying, he shall be exempt from all prosecution or punishment for the offence by him committed; provided, always that such exemption from prosecution and punishment shall only be extended to that party who shall first appear before the Grand Jury to testify as aforesaid; and that neither party shall be compelled to give testimony unless protected from punishment by the exemption hereinbefore provided.”

Determined in the negative.

Mr. Johnson, moved the previous question, and being seconded;

The question was put on the adoption of said 2nd section; and

Determined in the affirmative.

Mr. Mitchell, moved for the yeas and nays ;

Which motion was not sustained.

Mr. Dorsey, then moved to amend said report by adding at the end thereof as additional sections, the following :

“Art. 1. No person who is a candidate, or has been nominated, and is to be voted for to fill any office or appointment under the constitution or laws of this State, or the ordinances or authority of the mayor and city council of Baltimore, shall give, contribute or subscribe, or promise so to do, any money or other thing of value, to be used or employed in any way in aiding or promoting the success of his election, except some reasonable sum to be applied to the payment of the expense of printing ballots to be cast at the election. And any person herein offending, shall be deemed guilty of a misdemeanor, and on conviction thereof in a court of law, shall be punished by fine and imprisonment, as the Legislature may hereafter from time to time direct, and the person thus convicted shall be incompetent to hold the office to which he may have been elected.

Art. 2. No person in this State, not a candidate, or nominated as aforesaid, shall give, contribute or subscribe any sum or sums of money, or other thing of value, to be used in any electioneering canvass, or to be expended in any way in relation to any election to be held under the constitution or laws of this State, or under any ordinance or authority derived from the Mayor and City Council of Baltimore, unless such gift, contribution or subscription be directed by its author, to be exclusively applied to the giving of barbecues or treats, at which candidates or others may have an opportunity of addressing their fellow-citizens; or to the circulation of newspapers, or printing of public documents or political essays, addresses or handbills, designed for circulation among the people, or providing vehicles for the transportation of voters to the polls, or to the printing of tickets designed for the ballot-box; and any person herein offending, and any person, himself or through the agency of another, applying such gift, contribution or subscription to any electioneering purpose, contrary to such direction, upon conviction thereof in a court of law, shall be fined and imprisoned as shall hereafter by the Legislature be, from time to time, directed.

Art. 3. No person in this State holding any office or appointment under the constitution or laws of the United States, or any of the officers thereof, shall give, contribute or subscribe any sum or sums of money or articles of value to be used in any electioneering canvass; or to be expended in any way in relation to any election to be held under the constitution or laws of this State, or ordinances of the Mayor and City Council of Baltimore; and any person herein offending, upon conviction in a court of law, shall be fined and imprisoned as may hereafter, from time to time, be directed by the Legislature.

Art. 4. No person in this State shall, himself or through the agency of others, receive, use or expend any sum or sums of money, or other thing of value given, contributed or subscribed by any person or persons whatsoever, living out of the State of Maryland, to be made operative in any electioneering canvass, as

to any election about to be held under the constitution or laws of this State, or under the ordinances or authority of the Mayor and City Council of Baltimore, and any person so receiving, using or expending, and each and every of his agents therein, upon conviction thereof, in a court of law, shall be fined and imprisoned, as the Legislature may hereafter, from time to time direct.

Art. 5. It shall be the duty of the General Assembly of Maryland, to pass laws to punish, with fine and imprisonment, any person who shall remove into any election district, or into any ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in the first article of this constitution,) or shall, at the same election, vote in more than one election district or ward, or shall vote, or offer to vote, in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

Art. 6. Over the foregoing offences, and the punishment imposed thereon, the Executive shall exercise no power or control, except in cases whereupon proof laid before the Governor, he shall be satisfied that the conviction was the result of malice, and the offence imputed was unfounded in fact, in which cases he may exert the pardoning power; and shall report the same to the Legislature at its pending or next succeeding session, with the proofs which induced the executive interposition.

Art. 7. The Legislature ought to pass a law punishing by imprisonment, as well as fine, any person making a bet or wager on the result of any election to be held in this State; or on the result of any election to be held for a President or Vice President of the United States."

The question was first put on the adoption of the 1st amendment, and

Determined in the negative.

The 2nd amendment was then read.

Mr. Stewart, of Balt. city moved to amend said amendment by inserting after the word "ballot box," these words "or for platform for political speakers to stand on, music transparencies and other incidental expenses necessary and proper."

Mr. Spencer, moved the previous question, and being seconded, The question was then put, on the amendment as offered by Mr. Stewart, of Balt. city, and

Determined in the affirmative.

The question then recurred on the adoption of the amendment as amended and

Determined in the negative.

The 3rd amendment was then read and rejected.

Mr. Dorsey, moved for the yeas and nays, which motion was not sustained.

The 4th amendment was then read and rejected.

The 5th amendment was then read ;

Mr. Dorsey, moved the question be taken by yeas and nays on this amendment, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Kent, Weems, Dalrymple, Brent, of Charles, Jenifer, Ridgely, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Bowie, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Johnson, Schley, Fiery, Neill, Jr., John Newcomer, Brewer, Weber, Hollyday, Fitzpatrick, and Smith—44.

NEGATIVE—Messrs. Howard, Bell, Welch, Lloyd, Sherwood, of Talbot, Colston, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Michael Newcomer, Anderson, Parke, Shower and Brown—33.

So the 5th amendment was adopted.

The 6th amendment was then read and rejected.

The 7th and last amendment was then read ;

Mr. Dorsey, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Dent, Dorsey, Wells, Keht, Weems, Dalrymple, John Dennis, Dashiell, Williams, Hicks, Hodson, Phelps, Miller, McLané, Dirickson, McMaster, Hearn, Fooks, Annan, Schley, Fiery, Neill, John Newcomer, Harbine, Waters and Smith—27.

NEGATIVE—Messrs. Morgan, Blakistone, Hopewell, Ricaud, Lee, Mitchell, Brent, of Charles, Jenifer, Howard, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Goldsborough, Eccleston, Constable, Bowie, Sprigg, McCubbin, Spencer, Wright, Jacobs, Thomas, Shriver, Johnson, Gaither Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart of Caroline, Hardcastle, Gwinn, Stewart, of Balt. City, Brent of Balt. city, Sherwood of Balt. city, Ware, Jr., Michael Newcomer, Kilgour, Brewer, Anderson, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—51.

So the 7th amendment was rejected.

Mr. Johnson, moved to suspend further proceedings on the report under consideration, for the purpose of enabling him to offer the following order:

Ordered, That after the committee on revision shall have completed their report on the revision of the project of a constitution, to be submitted to the people of this State, the same shall be signed

by the President, and Secretary of this convention, and be published as already prescribed for by an order of this convention.

Which was read, and

On motion of Mr. Johnson, laid on the table.

The Convention then resumed the consideration of the report, of the committee on the Elective Franchise;

On motion of Mr. Chambers, of Kent,

The 3rd and 4th sections of said report were stricken out.

Mr. Chambers, of Kent, moved to amend said report by substituting in lieu of the sections stricken out, the following

“Every person elected or appointed to any office of profit or trust under the Constitution or laws made pursuant thereto, before he shall enter upon the duties of such office shall take and subscribe the following oath or affirmation: I, A. B. do swear or affirm as the case may be, that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the Constitution and Laws thereof; that I will to the best of my skill and judgment, diligently and faithfully without partiality or prejudice, execute the office of _____ according to the Constitution and Laws of this State, and that since the adoption of the present Constitution, I have not, in any manner, violated the provisions thereof in relation to bribery of voters, (and if a Governor, Senator, member of the House of Delegates or Judge,) “That I will not directly or indirectly, receive the profits or any part of the profits of any other office during the time of my acting as _____” and if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation he shall be considered as having refused to accept the said office, and a new election or appointment shall be made, as in case of refusal or resignation, and every person swearing falsely in the premises shall on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury; and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State.”

Which was read.

On motion of Mr. Spencer,

Said amendment was amended by inserting after the word “voters,” in 13th line, these words “or preventing legal, or procuring illegal votes to be given;”

The said section was then adopted as amended;

The said report having been read through as amended, and adopted;

On motion, it was referred to the committee on Revision.

The hour of 2 o'clock having arrived,

The Convention took a recess until 4 o'clock. P. M.

FOUR O'CLOCK, P. M.

The Convention met.

Mr. McHenry, submitted the following order :

Ordered, That the present officers of this Convention receive the mileage usually allowed to similar officers of the Legislature.

Which was read.

Mr. Hicks, moved to amend said order by adding at the end thereof the following :

"And also the three who were discharged."

Mr. Thawley, moved to lay said order and amendment on the table ;

Mr. Hardcastle moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Bell, Ridgely, Colston, Dashiell, McLane, Spencer, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Hardcastle, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Smith, Parke, Cockey and Brown—29.

NEGATIVE—Messrs. Blakistone, Dent, Hopewell, Lee, Donaldson, Dorsey, Kent, Sellman, Weems, Howard, Buchanan, Welch, Chandler, Sherwood of Talbot, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Sprigg, Bowling, George, Dirickson, McMaster, Jacobs, McHenry, Stewart, of Balt. city, Sherwood of Balt. city, Ware, Kilgour, Waters, Anderson, Holiday, Fitzpatrick and Shower—37.

So the Convention refused to lay the order on the table.

The question then recurred on the adoption of the amendment as offered by Mr. Hicks ;

Mr. Shriver, moved to postpone said order and amendment indefinitely ;

Mr. Brown moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Sellman, Howard, Bell, Ridgely, Colston, McLane, Spencer, Wright, Fooks, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Hardcastle, Stewart of Balt. city, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Holiday, Fitzpatrick, Smith, Parke, Cockey and Brown—34.

NEGATIVE—Messrs. Blakistone, Dent, Hopewell, Lee, Dorsey, Kent, Buchanan, Welch, Chandler, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, McCullough, Miller, Bowling, Dirickson, McMaster, Hearn, Jacobs, McHenry, Brent of Balt. city, Sherwood of Balt. city, Ware, Kilgour and Waters—31.

So the order and amendment was postponed indefinitely.

Mr. Jacobs, moved the Convention take up for consideration the report submitted by him as chairman of the committee on the Free Colored Population ;

Mr. Howard, moved that said motion be postponed indefinitely ;

Mr. Jacobs, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Dorsey, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Hicks, Goldsborough, Eccleston, Phelps, McCullough, Miller, McLane, Spencer, Wright, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Neill, John Newcomer, Michael Newcomer, Hollyday, Parke, Cockey and Brown—42.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Wells, Sellman, Weems, Dalrymple, Brent of Charles, John Dennis, Dashiell, Williams, Hodson, Tuck, Sprigg, McCubbin, Bowling, George, Dirickson, McMaster, Hearn, Fooks, Jacobs, Gaither, Carter, Fiery, Harbine, Kilgour, Brewer, Waters, Anderson, Weber, Fitzpatrick, Smith and Shower—38.

So the motion was postponed indefinitely.

Mr. Sprigg, submitted the following order :

Ordered, That George S. King, acting as assistant secretary, be allowed one dollar per diem, and William Hall, post master, and Samuel Peacock committee clerk, be each allowed fifty cents per diem, for various extra services severally rendered by them to the Convention.

Which was read.

On motion of Mr. Chandler,

Said order was amended by inserting after the name of "George S. King," the name of "W. B. Chichester."

On motion of Mr. Annan,

Said order was further amended by inserting the name of "Joseph Morritz."

The question then recurred on the adoption of the order as amended,

Mr. Shriver, moved to lay said order on the table,

Mr. Thawley, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Lee, Sellman, Weems, Howard, Bell, Lloyd, Sherwood of Talbot, Colston, Eccleston, Miller, Spencer, Wright, Dirickson, McMaster, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Stephenson, Nelson, Carter, Thawley, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Hollyday, Smith, Parke, Cockey and Brown—38.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Donaldson, Dorsey, Wells, Dalrymple, Buchanan, Welch, Chandler, Ridgely, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Phelps, Constable, McCullough, Bowie, Tuck, Sprigg, Bowling, George, Magraw, Gwinn, Stewart of Balt. city, Brent of Balt. city, Kilgour, Waters and Shower—34.

So the order was laid on the table.

Mr. Morgan, moved the Convention take up for consideration the report of the committee on the Free Colored Population.

Mr. Howard, moved to postpone said motion until the 1st day of August next.

Mr. Morgan, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Donaldson, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Goldsborough, Eccleston, Phelps, Constable, McCullough, Miller, McLane, Spencer, George, Wright, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Gwinn, Stewart of Balt. city, Brent of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Weber, Fitzpatrick, Parke, Cockey and Brown—44.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Dorsey, Sellman, Weems, Dalrymple, Brent, of Charles, John Dennis, Williams, Hicks, Hodson, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Jacobs, Gaither, Carter, Kilgour, Brewer, Waters, Anderson, Smith and Shower—33.

So the motion to postpone prevailed.

Mr. Gwinn, submitted the following order :

Ordered, That the order adopted as to new matter be suspended to permit the Revisory Committee, to add a section to the Judiciary report, distributing the duties and powers of the clerks of the superior courts and the court of common pleas.

Which was twice read and adopted.

Mr. Gwinn, submitted the following article :

The clerk of the Court of Common Pleas for Baltimore city, shall have authority to issue within the said city, all marriage and other licenses required by law, subject to such other provisions as the Legislature shall hereafter prescribe, and the clerk of the Superior Court for said city shall have the custody of all deeds, conveyances and other papers now remaining on record in the office of the clerk of Baltimore County Court, and shall hereafter receive and record all deeds, conveyances and other papers which are required by law to be recorded in said city. He shall also have the custody of all other papers connected with the proceedings in the law or equity side of Baltimore County Court, and of the dockets thereof, so far as the same have relation to Baltimore city.

Which was read and adopted.

On motion of Mr. Thomas,

The convention took up for consideration the order submitted by Mr. Johnson, this morning in relation to the report of the committee on Revision.

Mr. Thomas, then offered as a substitute for said order the following :

Ordered, That after the several reports from the revising committee have been finally acted upon by this house, the constitution shall be signed by the President of this Convention, and attested by the Secretary, and be published as already provided for by an order of this convention.

Which was read.

On the question being put,

Will the convention accept said substitute.

Mr. Constable, moved the previous question and being seconded.

Mr. Blackistone, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Dent, Hopewell, Chambers of Kent, Sellman, Howard, Buchanan, Bell, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Hodson, Goldsborough, Eccleston, Phelps, Constable, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood, of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Parke, Shower, Cockey and Brown—55.

NEGATIVE—Messrs. Morgan, Blakistone, Ricaud, Lee, Dorsey, Wells, Randall, Weems, Dalrymple, Brent, of Charles, John Dennis, Dashiell, Williams, Hicks, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Waters and Smith—27.

So the convention accepted the substitute.

The question then recurred on the adoption of the order;

Mr. Bowie, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Sherwood of Talbot, Colston, Eccleston, Phelps, Constable, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Nelson, Carter, Thawley, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Parke, Shower, Cockey and Brown—48.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers of Kent, Dorsey, Wells,

Randall, Weems, Dalrymple, Brent of Charles, John Dennis Dashiell, Williams, Hicks, Hodson, Goldsborough, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Fooks, Jacobs, Schley, Kilgour, Waters and Smith—32.

So the order was adopted.

Mr. Morgan, submitted the following order, and moved the previous question.

Ordered, That George S. King, be allowed one dollar per diem as compensation for extra services rendered as acting assistant Secretary of this Convention.

Mr. Thawley, moved to lay said order on the table.

Mr. Thawley, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Sellman, Howard, Lloyd, Sherwood of Talbot, Colston, Dashiell, McCullough, Spencer, Wright, Fooks, Jacobs, Shriver, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Ware, Schley, John Newcomer, Harbine, Michael Newcomer, Brewer, Waters, Weber, Smith, Parke and Brown—31.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blackistone, Dent, Hopewel, Ricaud, Donaldson, Dorsey, Wells, Weems, Dalrymple, Buchanan, Bell, Welch, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Phelps, Constable, Miller, McLane, Bowie, Tuck, Sprigg, Bowlinn, George, Hearn, Gaither, McHenry, Gwinn, Stewart of Balt. city, Brent, of Balt. city, Fiery, Neill, Kilgour, Anderson and Fitzpatrick—40.

So the convention refused to lay the order on the table.

The question then recurred on the motion for the previous question and being seconded;

The question was put, on the adoption of said order.

Mr. Stephenson, moved the question be taken by yeas and nays and being ordered, appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Donaldson, Dorsey, Wells, Weems, Dalrymple, Howard, Buchanan, Welch, Chandler, Ridgely, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Constable, McLane, Bowie, Tuck, Sprigg, Bowling, George, McHenry, Stewart of Balt. city, Brent of Balt. city, Neill, Kilgour, Waters, Anderson and Fitzpatrick—37.

NEGATIVE—Messrs. Lee, Kent, Bell, Lloyd, Colston, Dashiell, Spencer, Hearn, Fooks, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Parke, Cockey and Brown—28.

So the order was adopted.

Mr. Constable submitted the following order, and moved the previous question.

Ordered, That Samuel Peacock be allowed fifty cents per diem for various extra services rendered to this Convention.

On motion of Mr. Schley,
The Convention was called.

Mr. Shriver, moved the Convention take a recess until 9 o'clock P. M.

Mr. Stephenson, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Sellman, Brent of Charles, Howard, Bell, Lloyd, Sherwood of Talbot, Williams, Miller, McLane, McCubbin, Fooks, Jacobs, Thomas, Shriver, Annan, Sappington, Stephenson, McHenry, Stewart of Balt. city, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Fitzpatrick, Parke, Cockey and Brown—32.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blackistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Dorsey, Wells, Weems, Dalrymple, Jenifer, Buchanan, Welch, Ridgely, John Dennis, Dashiell, Hicks, Hodson, Goldsborough, Eccleston, Constable, Bowie, Sprigg, Bowling, Spencer, George, Wright, Dirickson, McMaster, Thawley, Hardcastle, Brent of Balt. city, Kilgour, Waters and Smith—36.

So the Convention refused to take a recess.

Mr. Brent of Balt. city, moved to suspend further proceedings under the call ;

Determined in the affirmative.

Mr. Constable, withdrew the motion for the previous question.

Mr. Spencer, moved to amend said order by striking out "fifty cents," and inserting in lieu thereof "one dollar,"

Mr. Spencer, moved the previous question, and being seconded,
The question was first put on the amendment as offered by Mr. Spencer,

Mr. Thawley, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pr't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Jenifer, Buchanan, Welch, Chandler, Ridgely, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Constable, McCullough, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Brent of Balt. city, Kilgour, Waters, Anderson and Hollyday—39.

NEGATIVE—Messrs. Lee, Sellman, Howard, Bell, Lloyd, Dashiell, Fooks, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Thawley, Ware, Schley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Smith, Parke, Cockey and Brown—25.

So the amendment was adopted.

Mr. John Newcomer, moved the convention take a recess until 9 o'clock.

Determined in the negative.

Mr. John Newcomer, moved for the yeas and nays,

Which motion was not sustained;

The question then recurred on the adoption of the order as amended.

Mr. Shriver, moved to lay said order on the table.

Mr. Harbine, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Lee, Sellman, Bell, Lloyd, Dashiell, Fooks, Jacobs, Shriver, Biser, Sappington, Stephenson, Thawley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Smith, Parke, Cockey and Brown—22.

NEGATIVE—Messrs. Chapman, Pres't., Morgan, Blackistone, Dent, Hopewell, Ricaud, Chambers of Kent, Donaldson, Dorsey, Weems, Dalrymple, Jenifer, Howard, Buchanan, Welch, Chandler, Ridgely, John Dennis, Williamis, Hicks, Hodson, Goldsborough, Eccleston, Constable, Bowie, Tuck, Sprigg, Bowling, Spencer, Grason, George, Wright, Thomas, Annan, Carter, Brent, of Balt. city, Kilgour, Waters and Anderson—39.

So the convention refused to lay said order on the table.

The question then recurred and was put on the adoption of the order.

Mr. Brown, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't., Morgan, Blackistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Howard, Buchanan, Welch, Chandler, Ridgely, John Dennis, Williams, Hicks, Hodson, Goldsborough, Eccleston, Constable, McCullough, Bowie, Tuck, Sprigg, Spencer, Grason, George, Wright, Brent, of Balt. city, Kilgour, Waters and Anderson—37.

NEGATIVE—Messrs. Lee, Sellman, Bell, Lloyd, Fooks, Jacobs, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Thawley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Smith, Parke, Cockey and Brown—23.

So the order was adopted.

Mr. Bowie, submitted the following order :

Ordered, That William Hall, the Postmaster of this House, Joseph Morritz, Committee Clerk and Washington B. Chichester, Assistant Secretary, receive an extra compensation of one dollar each per day, from the day of their appointment, for extra services performed by them.

Which was read.

Mr. Thawley offered as a substitute for said order the following :

In order to relieve the Convention from further trouble in voting extra compensation to its officers; Ordered, that the surplus revenue remaining in the Treasury after paying the orders first past, be equally divided among the Members, Clerks, Doorkeepers, Pages, Folders and Sergeant-at-Arms, share and share alike, including those Clerks heretofore discharged.

Which was read.

The President ruled the substitute out of order.

The question then recurred on the adoption of the order;

Mr. John Newcomer, moved to amend said order by inserting the name of "S. T. Herbert, the Doorkeeper;"

Mr. John Newcomer moved the question be taken by yeas and nays;

Which motion was not sustained.

The question was then put on the adoption of the amendment; Determined in the affirmative.

Mr. Chandler, offered as a substitute for said order the following:

Ordered, That Washington B. Chichester, receive one dollar per diem extra pay as reading Clerk of this Convention.

Which was read.

Mr. McMaster, moved to amend the order as offered by Mr Bowie, by inserting the name of "Samuel K. Lambdin;"

Mr. Bowie, moved the previous question, and being seconded ;

The question was first put on the amendment as offered by Mr. McMaster, to insert the name of "Samuel K. Lambdin;"

Mr. McMaster, moved the question be taken by yeas and nays ;

Mr. Weems, moved to lay the whole subject on the table.

Mr. Weems, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Mitchell, Dorsey, Sellman, Weems, Dalrymple, Howard, Bell, Lloyd, Sherwood of Talbot, Colston, Hicks, Goldsborough, Phelps, McCullough, Miller, McLane, Spencer, Wright, Jacobs, Thomas, Shriver, Biser, Annan, Sappington, Stephenson, Thawley, Ware, John Newcomer, Harbine, Michael Newcomer, Brewer, Weber, Fitzpatrick, Smith, Parke, Cockey and Brown—38.

NEGATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Jenifer, Buchanan, Welch, Chandler, Ridgely, John Dennis, Hodson, Eccleston, Bowie, Sprigg, McCubbin, Bowling, George, Dirickson, McMaster, Hearn, Stewart of Balt. city, Kilgour and Waters—23.

So the whole subject was laid on the table.

The President laid before the Convention the following communication from Henry G. Wheeler, official reporter :

ANNAPOLIS, May 12th, 1851.

To the Convention:—

The Convention has, this day, passed an order directing a per diem of \$4, to be paid to me during such time as I may be detain-

ed here after the final adjournment, but with a limitation, that the said order shall not operate after the 1st of June.

The work cannot be finished by that time. Those who know my position and circumstances understand that I have every motive to return home without an hour's unnecessary delay, and no motive, pecuniary or otherwise, to protract my sojourn in this city. From a desire not to renew the controversy which had arisen upon the subject of my compensation, I consented, in reply to an enquiry from the committee on Printing, to abandon my weekly allowance during the period of my detention.

But, I know of no principle upon which I am to be compelled to remain here, in the service of the State, without, at least, the payment of my expenses. And I respectfully ask the Convention to reconsider its decision of this morning.

HENRY G. WHEELER, Official Reporter.

Which was read, and

Referred to the committee on Printing.

Mr. Buchanan, gave notice that on to-morrow, he should move to reconsider the vote of the Convention on the resolution mentioned in said communication.

Mr. Bowie, submitted the following order :

Ordered, That William Hall, receive one dollar per day from the time of his appointment as post master, for extra services.

Which was read.

Mr. Thawley, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Prest. Morgan, Blakistone, Dent, Hopewell, Wells, Dalrymple, Jenifer, Howard, Bell, Ridgely, John Dennis, Williams, Hicks, Eccleston, Bowie, Tuck, Sprigg, McCubbin and Bowling—20.

NEGATIVE—Messrs. Lee, Mitchell, Sellman, Lloyd, Sherwood, of Talbot, Colston, Phelps, McLane, Spencer, Wright, Fooks, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Thawley, Fiery, John Newcomer, Harbine, Michael Newcomer, Brewer, Hollyday, Fitzpatrick, Smith, Parke, Shower, Cockey and Brown—33.

So the order was rejected.

Mr. Tuck, submitted the following resolution :

Resolved, That when this Convention adjourns it shall stand adjourned until to-morrow morning 9 o'clock, to proceed with business according to the order of the 8th May, and that it adjourn on that day *sine die*.

Which was read.

Mr. Tuck, moved to amend said order by striking out "nine" and inserting "eight;"

Determined in the negative.

The said order was then adopted.

Mr. Chambers of Kent, asked to be excused from serving as a member on the committee on Revision ;

Determined in the negative.

Mr. John Newcomer, moved to reconsider the vote of the Convention on the orders giving additional compensation to certain officers of the Convention.

On motion of Mr. Blakistone,
The Convention adjourned until to-morrow morning 9 o'clock.

TUESDAY, May 13th, 1851.

The Convention met.

Prayer by the Rev. Mr. Graff.

On motion of Mr. Magraw,

The reading of the Journal of Proceedings was dispensed with.

Mr. Magraw, from the committee on Revision, made a report on the report of the Board of Public Works ;

Which was read, and

On motion of Mr. Thomas,
Concurred in.

Mr. Dorsey, moved to suspend the order adopted on the 8th inst. for the purpose of taking up report, No. 14, submitted by Mr. Jenifer, and to be found on page 414 of Journal ;

On the question being put,

Will the Convention suspend the rule?

Mr. Dorsey, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Blakistone, Dent, Lee, Dorsey, Wells, Sellman, Dalrymple, John Dennis, Dashiell, Williams, Goldsborough, Eccleston, Sprigg, McCubbin, John Newcomer and Waters—16.

NEGATIVE—Messrs Chapman, Pres't, Morgan, Hopewell, Ricaud, Weems, Bell, Welch, Ridgely, Lloyd, Sherwood of Talbot, Hicks, Constable, McCullough, Miller, McLane, Bowling, Spencer, George, Wright, McMaster, Fooks, Thomas, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Stewart of Car., Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Prestman, Ware, Neill, Michael Newcomer,

Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke, Shower, Cockey and Brown—47.

So the Convention refused to suspend the rule.

Mr. Dorsey, then moved to suspend the order adopted on the 8th inst., for the purpose of taking up the report of the committee on New Counties;

Determined in the negative.

Mr. Ridgely, moved to suspend the order of the Convention of the 8th inst., for the purpose of taking up for consideration an amendment adopted to the report of the committee on the Legislative Department, and to be found on page 734 of Journal, relative to granting charters for banking purposes;

Determined in the negative.

Mr. Chambers of Kent, from the committee on Revision, made a report on the report of the committee on the Elective Franchise;

Which was read and concurred in.

Mr. John Newcomer, submitted the following resolution:

Resolved, That the thanks of this Convention are due and are hereby tendered to the Hon. James M. Buchanan, for the impartiality and dignity with which he presided over the deliberations of this Body, when President pro tempore.

Which was read and unanimously adopted.

Mr. John Newcomer, (in accordance with the notice given by him on yesterday,) moved to reconsider the vote of the Convention allowing extra compensation to Samuel Peacock, a committee clerk;

Mr. Ricaud moved to lay the motion on the table;

Mr. John Newcomer, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Howard, Buchanan, Lloyd, Williams, Hicks, Goldsborough, Eccleston, Constable, McLane, Bowie, Tuck, Spencer, Giason, George, Wright, Hearn, Gwinn, Stewart, of Balt. city, Brent of Baltimore city, Presstman, Hollyday and Fitzpatrick—35.

NEGATIVE—Messrs. Lee, Sellman, Bell, Welch, Chandler, Ridgely, Colston, Dashiell, McCullough, Sprigg, McCubbin, Bowling, Fooks, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Weber, Smith, Parke, Cockey and Brown.—38.

So the Convention refused to lay the motion on the table.

Mr. Constable, then moved to postpone the further consideration of said motion until the 1st day of January next;

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Dalrymple, Howard, Buchanan, Ridgely, Lloyd, Williams, Hicks, Hodson, Goldsborough, Eccleston, Constable, Miller, McLane, Bowie, Tuck, Sprigg, Bowling, Spencer, George, Wright, Magraw, Stewart, of Baltimore city, Brent, of Baltimore city, Pressman, Fiery and Hollyday—39.

NEGATIVE—Messrs. Lee, Sellman, Bell, Welch, Chandler, Colston, Dashiell, McCullough, McCubbin, Dirckson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Sherwood, of Balt. city, Ware, Schley, Neill, John Newcomer, Michael Newcomer, Kilgour, Brewer, Waters, Anderson, Weber, Smith, Parke, Cockey and Brown—38.

So the motion was postponed until the 1st day of January next.

Mr. Bowie, submitted the following order ;

Ordered, That William Hall be allowed the same extra per diem that has been allowed to Samuel Peacock.

Which was read ;

Mr. John Newcomer, moved to postpone said order, until the 1st day of January next ;

Pending the question on this motion,

Mr. Chambers, of Kent, from the committee on Revision, made a report on the Legislative Department, and reported the following amendments :

“If in any election directed by this constitution the contending candidates shall have an equal number of votes, a new election shall be ordered unless in such cases as may be specially provided for by the constitution.

“The Legislature shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this constitution in any department or officer of the government, and the duties imposed upon them thereby.”

Which were severally adopted, and the report concurred in as amended.

The question then recurred on the motion of Mr. John Newcomer, to postpone the order submitted by Mr. Bowie, in favor of William Hall to 1st day January next.

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Sellman, Howard, Lloyd, Sherwood of Talbot, Colston, Dashiell, Miller, McLane, Wright, Dirckson, McMaster, Fooks, Jacobs, Thomas, Shriver, Gaither,

Biser, Annan, Sappington, Stephenson, Nelson, Carter, Thawley, Sherwood of Balt. city, Ware, Schley, Fiery, Neill, John Newcomer, Michael Newcomer, Kilgour, Brewer, Weber, Hollyday, Fitzpatrick, Parke, Cockey and Brown—39.

NEGATIVE—Messrs. Chapman, Pres't. Morgan, Blakistone, Dent, Hopewell, Ricaud, Chambers, of Kent, Mitchell, Wells, Weems, Dalrymple, Brent, of Charles, Buchanan, Bell, Ridgely, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, McCubbin, Bowling, Spencer, Stewart of Balt. city, Brent, of Baltimore city, Presstman and Smith—30.

So the convention postponed the order until 1st January next.

Mr. Stephenson, submitted the following resolution;

Resolved, That the thanks of this convention are due, and are hereby tendered to the Hon. Wm. J. Blackistone, for the able and impartial manner in which he has discharged the duties of President pro. tem. of this convention.

Which was read, and unanimously adopted.

Mr. Schley, submitted the following resolution:

Resolved, That the thanks of this convention are due and are hereby tendered to the Hons. Jas. B. Ricaud, Wm. H. Tuck, Daniel S. Biser, Elias Brown, Geo. W. Weems and George C. Morgan, for the able and impartial manner in which they have severally discharged the duties of the chair as Presidents pro. tem.

Which was read, and unanimously adopted.

Mr. Tuck, from the committee on revision, made reports on the Treasury Department, and new counties;

Which were severally read and disposed of.

Mr. Magraw, from the committee on Revision, made a report on the articles in regard to Wreck Masters and Surveyors;

Which was read and disposed of.

Mr. McCubbin, submitted the following order;

Ordered, That an extra compensation of fifty dollars, be allowed to each of the officers of the convention, who have not been provided for by previous orders.

Which was read.

On motion of Mr. John Newcomer,

The convention was called and the doorkeeper sent for the absent members.

Mr. Buchanan, moved to reconsider the vote of the convention on the resolutions adopted on yesterday, in relation to the printing of Debates.

Mr. John Newcomer, moved the previous question, that is: "shall the main question be now put?"

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Bell, Ridgely, Lloyd, Sherwood

of Talbot, Colston, McCullough, McLane, McMaster, Hearn, Thomas, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Nelson, Carter, Thawley, Stewart, of Balt. city, Sherwood of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Smith, Parke, Shower, Cockey and Brown—35.

NEGATIVE—Messrs. Chapman, Pres't. Blakistone, Dent, Mitchell, Weems, Brent, of Charles, Jenifer, Buchanan, Williams, Hicks, Hodson, Eccleston, Sprigg, George, Wright, Stewart of Caroline, Brent, of Balt. city, and Weber—17.

So the previous question was seconded.

The question was then put, will the convention reconsider their vote on said resolution in relation to printing Debates?

Determined in the negative.

Mr. Tuck, from the committee on Revision, reported to the convention certain amendments to the report of the committee on Lotteries, and

Also, on the Militia ;

Also, on the Land Office ;

Also, on the Librarian ;

Also, on county Commissioners ;

Which were severally read and disposed of.

Mr. Chambers, of Kent, from the committee on Revision, made a report on that part of the report of the Legislative Department relating to Banks.

Which was read and disposed of.

Also, made a report on the article in relation to authorising private property to be taken for public use;

And the article that corporations may be formed under General laws, but shall not be created by special act, except for municipal regulations.

Which were read and disposed of.

Mr. Donaldson, from the committee on Revision, made a report on future amendments and revisions of the constitution.

Read and disposed of.

The Doorkeeper having returned and reported that in obedience to order he had notified the absent members that their attendance in the Convention was required.

The convention then resumed the consideration of the order submitted by Mr. McCubbin, in relation to compensation to be allowed certain officers of the convention.

Mr. Buchanan, stated to the convention that he was desired by Mr. Chichester, the Assistant Secretary, to withdraw his name as being included in said order.

Mr. Stephenson, moved to lay said order on the table.

Mr. Parke, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Lee, Sellman, Howard, Lloyd, Sherwood of Talbot, Colston, Dashiell, McCullough, McLane, Spencer, Wright, Fooks, Jacobs, Shriver, Gaither, Stephenson, Carter, Thawley, Stewart, of Balt. city, Sherwood, of Balt. city, Schley, John Newcomer, Harbine, Michael Newcomer, Kilgour, Brewer, Waters, Weber, Parke, Shower, Cockey and Brown—32.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Blakistone, Dent, Hopewell, Ricaud, Mitchell, Weems, Jenifer, Buchanan, Chandler, Hicks, Hodson, Goldsborough, Eccleston, Constable, Bowie, Tuck, Sprigg, McCubbin, Bowling, Dirickson, McMaster, Hearn, Annan, Brent of Balt. city, and Pressman—27.

So the order was laid on the table.

Mr. Donaldson, from the committee on Revision, made a report upon miscellaneous subjects.

Which was read and adopted.

Mr. Parke, submitted the following order :

Ordered, That a vote of thanks be tendered to the various committee Clerks, reading Clerk, Doorkeepers and Sergeant-at-Arms of this Convention, for the faithful discharge of their duties, and that this shall be taken as a full compensation for and in lieu of the extra pay heretofore allowed any of them by this Convention, all orders for which extra allowances are therefore hereby annulled.

Which the Chair ruled out of order.

On motion of Mr. Ricaud,

The Convention took up for consideration the order submitted by Mr. Grason on the 10th inst., allowing the President of the Convention a per diem of six dollars;

Mr. Shriver, moved to amend said order by striking out "six," and inserting "five;"

Mr. Ridgely, moved the previous question, and being seconded ;

Mr. Harbine, moved to lay the order on the table.

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Gaither, Annan, Nelson, Schley, Neill, John Newcomer, Harbine, Michael Newcomer, Cockey and Brown—10.

NEGATIVE—Messrs. Morgan, Blackistone, Dent, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Dorsey, Wells, Randall, Weems, Brent, of Charles, Jenifer, Buchanan, Bell, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Constable, Sprigg, McCubbin, Grason, George, Hearn, Fooks, Jacobs, Shriver, Biser, Stephenson, Magraw, Stewart, of Caroline,

Stewart of Balt. city, Brent, of Balt. city, Sherwood of Balt. city, Presstman, Brewer, Waters, Anderson, Fitzpatrick, Smith and Parke—50.

So the Convention refused to lay the order on the table.

The question then recurred on the adoption of the amendment as offered by Mr. Shriver; and

Determined in the negative.

The question then recurred on the adoption of the order;

Mr. John Newcomer, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Chambers, of Kent, Mitchell, Donaldson, Wells, Randall, Weems, Brent, of Charles, Jenifer, Buchanan, Bell, Chandler, Ridgely, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Constable, Bowie, Sprigg, McCubbin, Grason, George, Hearn, Jacobs, Magraw, Stewart, of Balt. city, Brent of Balt. city, Presstman, Kilgour, Waters, Anderson and Smith—40.

NEGATIVE—Messrs. Colston, Dirickson, McMaster, Fooks, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, Nelson, Stewart, of Caroline, Sherwood, of Balt. city, Schley, Fiery, Neill, John Newcomer, Harbine, Michael Newcomer, Brewer, Fitzpatrick, Parke and Cockey—23.

So the order was adopted.

Mr. Ridgely, submitted the following order:

Ordered, That all the officers that have not received any extra pay shall receive their mileage.

Which was read.

Mr. Ridgely, moved the previous question, and being seconded;

Mr. John Newcomer, moved the question be taken by yeas and nays and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Morgan, Blakistone, Dent, Hopewell, Ricaud, Lee, Mitchell, Weems, Brent, of Charles, Jenifer, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Colston, Williams, Hicks, Hodson, Goldsborough, Eccleston, McCullough, Bowie, Tuck, Sprigg, George, Dirickson, McMaster, Hearn, Jacobs, Annan, Stewart of Caroline, Brent, of Balt. city, Presstman, Kilgour, Waters and Anderson—38.

NEGATIVE—Messrs. Dashiell, McCubbin, Fooks, Shriver, Gaither, Biser, Stephenson, Nelson, Schley, John Newcomer, Harbine, Michael Newcomer, Brewer, Parke, and Brown—15.

So the order was adopted.

Mr. Ridgely, submitted the following order.

Ordered, That the Chair appoint a committee of three to contract with the Baltimore Sun, or some other newspaper in the city of Baltimore, for the publication of the constitution, entire, in extra newspaper form, and for supplying 50,000 copies to be dis-

tributed as follows : to the various county newspapers in the State, in proportion as near as may be, to their respective subscription lists, and two hundred copies to be furnished to each member of the Convention, the contract to be executed within one week after the close of the session.

Which was read.

Mr. Parke, offered as a substitute for said order the following :

Ordered, That the Constitution adopted by this Convention be published entire in each newspaper of the State, provided it can be inserted at least once in each of said papers before the first Wednesday of June next; and provided also that it shall not cost more than \$50 dollars in each case.

Which was read.

On the question being put,

Will the Convention accept the substitute? it was

Determined in the negative.

The question then recurred on the adoption of the order as offered by Mr. Ridgely; and

Determined in the affirmative.

Mr. Dashiell, moved for the yeas and nays,

Which motion was not sustained.

The President thereupon appointed Messrs. Ridgely, Constable and Sherwood, of Balt. city, the committee.

Mr. Spencer, submitted the following order :

Which was read and adopted.

Ordered, That the committee just raised to contract with the editor of the Baltimore Sun or some other newspaper, be instructed to supervise the proof sheet of said papers containing the publication of the said constitution.

On motion of Mr. Howard, it was

Ordered, That the Secretary of this Convention be directed to ascertain the post office of each member thereof, and annex the same to the Journal.

On motion of Mr. Blakistone,

The Convention took a recess until 3 o'clock, P. M.

THREE O'CLOCK, P. M.

The Convention met,

Mr. Donaldson, from the committee on Revision, reported to the Convention certain proposed amendments to the report of the committee on the Judiciary Department ;

Which were read and disposed of.

Mr. Donaldson, moved further to amend said report by inserting as the 24th section thereof, the following :

“Sec. 24. In case of the death, resignation, removal or other disqualification of a judge of any of the courts of law, the Governor, by and with the advice and consent of the Senate, shall thereupon appoint a person duly qualified, to fill said office until the next general election for delegates thereafter, at which time, an election shall be held as hereinbefore prescribed, for a judge, who shall hold the said office for ten years, according to the provisions of this constitution.”

Which was read.

Mr. Grason, offered as a substitute for said section, the following :

“In case of a vacancy in the office of a judge in any court of law or orphans’ court, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy, by appointing a judge, whose commission shall continue in force till the next general election of delegates, and till his successor shall qualify.”

Which was read.

On the question being put,

Will the Convention accept said substitute? it was

Determined in the negative.

The question then recurred on the adoption of the amendment as offered by Mr. Donaldson ; and

Determined in the affirmative.

The 28th section of the said report of the committee, as amended by the Revisory committee, was then read ;

Mr. Spencer, moved the question be taken by yeas and nays and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Lee, Chambers, of Kent, Donaldson, Randall, Bell, Williams, Hicks, Hodson, Tuck, Grason, George, Wright, Annan, Stewart, of Caroline, Gwinn, Stewart, of Balt. city, Brent, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Michael Newcomer and Parke—22.

NEGATIVE—Messrs. Chapman, Pres’t, Morgan, Wells, Sellman, Weems, Jenifer, Howard, Buchanan, Welch, Chandler, Ridgely, Lloyd, John Dennis, Dashiell, Goldsborough, Eccleston, Constable, Miller, McLane, Bowie, Spencer, Dirickson, McMaster, Fooks, Jacobs, Thomas, Gaither, Biser, Sappington, Stephenson, McHenry, Magraw, Nelson, Pressman, Schley, Brewer, Waters, Anderson, Weber, Fitzpatrick and Brown—41.

So the section, as amended by the Revisory committee, was not adopted.

The report of said Revisory committee was then got through with.

Mr. Howard, submitted the following resolution :

Resolved, That the President of this Convention, from and after the first day of June next, be authorised to draw upon the

Treasurer for such amounts as may be certified by the committee on Printing, to be due for the fulfilment and due execution of the contracts made by this Convention, for the reporting and printing the Debates of the Convention.

Which was twice read and adopted.

Mr. Randall, from the committee on Revision, reported to the Convention certain amendments to the report of the Legislative committee ;

Which were read and disposed of.

Mr. Spencer, submitted the following order :

Ordered, That one hundred copies of the engrossed copy of this constitution be printed and bound under the direction and supervision of the committee on printing, and that the said engrossed copy, and one copy of the said bound and printed copy, be deposited among the records of the clerk of the court of appeals, and that the residue of the said bound and printed copies be deposited in the Library, to be disposed of by the Legislature.

Which was twice read and adopted.

Mr. Ridgely, submitted the following order :

Ordered, That the Treasurer pay, upon the warrant of the President of the Convention, such sum of money as the committee on Printing may contract to pay for printing the new constitution, payable upon the performance of the work.

Which was twice read and adopted.

Mr. Ridgely, submitted the following order:

Ordered, That the clerk deliver to the committee on Printing, the constitution, a copy of each revised bill, immediately after the adoption of the same.

Which was read and adopted.

Mr. Tuck, from the committee on Revision, made a report on sundry independent articles proposed ;

Which was read and adopted.

On motion of Mr. Stewart, of Balt city,

The Convention took a recess until 9 o'clock, P. M.

NINE O'CLOCK, P. M.

The Convention met.

Mr. Spencer, submitted the following resolution :

Resolved, That the journal of accounts having been closed, the President of this Convention draw upon the Treasury for two

days per diem in favor of each attending member of this Convention, and each of the attending officers.

Which was twice read and adopted.

Mr. Chambers of Kent, from the committee on Revision, submitted the following article in the constitution :

“If in any case of election for judges, clerks of the courts of law and registers of wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election, the Governor shall send the returns to the House of Delegates, who shall judge of the election and qualification of the candidates at such election.”

Mr. Constable, moved for a division of the question upon each branch of the article.

The question was then put on the 1st branch of the article being in these words:

“If in any case of election the judges, clerks of the courts of law and registers of wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election.”

Determined in the affirmative.

The question was then put on the 2nd and remaining branch of the amendment, and

Determined in the affirmative.

Mr. Tuck chairman of the Committee on Revision, laid upon the desk of the President, the engrossed copy of the Constitution.

Mr. Howard submitted the following order :

Ordered, That Mr. Tuck and Mr. Grason be instructed to deposit the engrossed Constitution after its signature by the President and Secretary, in the office of the Clerk of the Court of Appeals for the Western Shore.

Ordered, That this Convention adjourn *sine die*.

Which was read.

Mr. Constable moved the previous question,

Mr. Chambers of Kent, moved the question be taken by yeas and nays, and being ordered, appeared as follows :

AFFIRMATIVE—Messrs. Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Constable, McCullough, Miller, McLane, Spencer, Grason, George, Wright, Jacobs, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart of Balt. city, Brent of Balt. city, Sherwood of Balt. city, Ware, Schley, Harbine, Michael Newcomer, Weber, Hollyday, Fitzpatrick, Parke and Shower—41.

NEGATIVE—Messrs. Chapman, Pres't, Morgan, Lee, Chambers of Kent, Sellman, Weems, Donaldson, Wells, Randall, Jenifer, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Tuck, Sprigg, Dirickson, McMaster, Fooks and Waters—24.

So the previous question was sustained.

Mr. Chambers of Kent, moved for a division of the question upon each order;

Mr. Chambers of Kent, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Constable, McCullough, Miller, McLane, Tuck, George, Wright, Gaither, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Stewart of Caroline, Gwinn, Stewart of Baltimore city, Sherwood of Balt. city, Ware, Harbine, Michael Newcomer, Anderson, Weber, Hollyday, Fitzpatrick and Shower—35.

NEGATIVE—Messrs. Chapman, President, Morgan, Lee, Chambers of Kent, Donaldson, Wells, Randall, Weems, Bell, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Bowie, Sprigg, Spencer, Dirickson, McMaster, Hearn, Fooks, Jacobs, Shriver, Biser, Brent, of Balt. city, Schley, Brewer, Waters and Parke—31.

So the first order was adopted.

The question then recurred on the adoption of the 2nd order.

Mr. Stewart of Caroline, moved the Convention adjourn until to-morrow morning half past 8 o'clock.

Mr. Howard, rose to the following point of order :

That the previous question having been called and ordered, and the order to adjourn *sine die* being under the operation of the previous question, a motion to adjourn until to-morrow morning at half past 8 o'clock, was not in order.

The President ruled the motion to be in order,

From which opinion of the Chair, Mr. Howard appealed,

The question was then put,

Shall the opinion of the chair stand as the judgment of the Convention? and it was

Determined in the affirmative.

The question was then put on the motion of Mr. Stewart of Caroline, to adjourn until to-morrow morning at half past 8 o'clock.

Mr. Brent, of Balt. city, moved the question be taken by yeas and nays and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Chapman, Pres't, Morgan, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Sellman, Weems, Buchanan, Bell, Welch, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Sprigg, Dirickson, McMaster, Hearn, Fooks, Shriver, Biser, Thawley, Stewart, of Caroline, Brent, of Balt. city and Waters—30.

NEGATIVE—Messrs. Howard, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Constable, McCullough, Miller, McLane, Bowie, Tuck, Spencer, Grason, George, Wright, Jacobs,

Gaither, Annan, Sappington, Stephenson, Magraw, Carter, Gwinn, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Weber, Hollyday, Fitzpatrick, Parke and Shower—34.

So the Convention refused to adjourn.

Mr. Morgan, then moved to lay the order on the table.

Determined in the affirmative.

Mr. Spencer, moved that the report which had been laid on the President's desk, as the engrossed copy of the constitution, be recommitted.

Determined in the affirmative.

Mr. Grason, submitted the following order:

Ordered, That the committee on Revision be authorised to sit to-morrow for the purpose of examining the engrossed constitution, and seeing it deposited in the office of the clerk of the Court of Appeals.

Which was read.

Mr. Bowie, moved to amend said order by striking out the word "examining" and the word "and."

Determined in the negative.

Mr. Bowie, then moved to amend said order by striking out after the word "be" in 1st line to the end of said order, and inserting in lieu thereof, "directed to report forthwith on the constitution as adopted by this convention."

Mr. Chambers, of Kent, at one o'clock at night, moved the convention adjourn.

Mr. Chambers, of Kent, moved the question be taken by yeas and nays, and being ordered appeared as follows:

AFFIRMATIVE—Messrs. Chapman, Pres't Morgan, Lee, Chambers, of Kent, Donaldson, Wells, Randall, Weems, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Tuck, Sprigg, Spencer, Fooks, Shriver, Biser, Stephenson, Magraw, Thawley, Stewart, of Caroline and Waters—26.

NEGATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood, of Talbot, Colston, Constable, McCullough, Miller, McLane, Bowie, Grason, George, Wright, Dirickson, McMaster, Jacobs, Gaither, Annan, Sappington, McHenry, Carter, Gwinn, Stewart, of Balt. city, Sherwood, of Balt. city, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday and Shower—36.

So the convention refused to adjourn.

The question then recurred on the adoption of the amendment as offered by Mr. Bowie;

Mr. Grason, accepted the amendment.

The said order was then adopted as amended.

Mr. Tuck, chairman of the committee on Revision, reported

the constitution as having been engrossed and stated that after a careful examination, it had been found to correspond in all respects with the articles adopted by the convention.

Mr. Howard, moved that it be now signed by the President of the Convention and attested by the Secretary thereof.

Mr. Goldsborough, moved the question be taken by yeas and nays, and being ordered appeared as follows :

AFFIRMATIVE—Messrs. Sellman, Howard, Buchanan, Bell, Welch, Chandler, Ridgely, Lloyd, Sherwood of Talbot, Colston, Constable, McCullough, Miller, McLane, Bowie, Grason, George, Wright, Shriver, Gaither, Biser, Annan, Sappington, Stephenson, McHenry, Magraw, Carter, Thawley, Stewart of Caroline, Gwinn, Stewart, of Balt. City, Sherwood of Balt. city, Ware, Harbine, Michael Newcomer, Brewer, Anderson, Hollyday, Parke and Shower—40.

NEGATIVE—Messrs. Morgan, Lee, Chambers of Kent, Donaldson, Wells, Randall, Weems, John Dennis, Dashiell, Williams, Hicks, Hodson, Goldsborough, Eccleston, Tuck, Sprigg, Spencer, Dirickson, McMaster, Fooks, Jacobs and Waters—22.

So the motion was adopted.

Mr. John Dennis, moved to reconsider the vote of the Convention just taken on said constitution ;

Mr. Ridgely, moved to lay the motion on the table ;

Determined in the affirmative.

The constitution was then signed by the President, and attested by the Secretary thereof in presence of the convention.

At half past 1 o'clock at night, Mr. Howard, moved the convention adjourn sine die.

The President arose and delivered the following address.

Gentlemen of the Convention:

In proceeding to perform the last public act imposed upon me as the presiding officer of this body, my own inclinations, sanctioned by the authority of a time-honored custom impel me to the utterance of a few brief parting words.

Our labors are ended. The sands of our political existence are well-nigh run out. Its very *grains* are numbered—the peaceful revolution which brought us together terminates here, and now; and we, the actors in this eventful scene, are about to separate to our distant homes, some of us to meet no more forever.

It is meet and decorous that, in a time so solemn, the tumult of the political elements should be hushed for a moment—that we should breathe in each others ears the accents of peace—and, in the presence of God and our country, wipe out from our hearts the memory of every embittered feeling which may have found an abiding place there.

Representatives of Maryland—christians—gentlemen—I invite you to this common sacrifice on a common altar!

The emphatic testimonial which you have stamped upon my official course, has been received by me with feelings of deep emotion. The natural distrust which I felt of my own ability for this station, has been augmented in no common degree by the difficulties attending the peculiar organization of this body—difficulties, which have confronted us at every step of our progress, and the pressure of which has never for an instant ceased to be felt. But I can say, under a devout conviction of the truth of the declaration, that in administering the duties of this chair, I have been governed by a disinterested and pure desire to secure the freedom of debate, to protect the rights of individual members, and to promote the public welfare; “my witness is in Heaven, and my record is on high.”

Gentlemen, when by your too partial suffrages, I was elevated to this honorable position, I avowed without reservation the doubts and misgivings which perplexed my judgement upon the question of constitutional reform. The maturest reflection of which my mind was capable, had led me to the conclusion that many of the reforms which had been demanded, were not required by a sound regard for the public welfare, and that even in relation to those as to the necessity and expediency of which there might be less difference of opinion, the best and safest mode for their accomplishment was that which in a wise forethought our ancestors had themselves provided by the 59th article of the old constitution. I did not believe in the necessity of a resort to any of the forms of revolution to secure a remedy for any grievances under which this gallant old State of ours might be suffering. In change, for the mere sake of gratifying a vague and undefined love of change, I saw, or thought I saw, nothing but present discomfiture and future evil.

Entertaining those sentiments, I have witnessed with profound regret many of the features which have been embodied in the constitution now about to pass from our hands. That some changes, salutary, in my judgment, and therefore commanding my voice and my vote, have been made, I freely admit. But these changes are so few and light when weighed in the balance against graver and more objectionable features, that I have no alternative but to vote at the ballot-box, as I should have voted here, against the ratification of the instrument. This I do in no factitious spirit. If my own forebodings should not be realized—if this constitution should be adopted by the people—if it should strengthen our union—cement our interests—foster our industry—promote civil and religious peace, and secure in a more eminent degree the blessings of that great republican liberty for which, in other times, the blood of our people was poured out like rain, my “right hand shall wither and my tongue shall cling to the roof of my mouth” sooner than I will raise an impious voice against it!

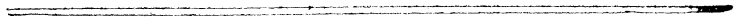
And now, gentlemen, we part, not, I trust, without a deeper sympathy in each others destinies, and a more devoted attachment

to the common mother that gave us birth. She is worthy of all our affections and all our sacrifices. Behold her history! Preserve her honor! Strike down the sacrilegious hand that would invade it! And may that Almighty Being whose Providence has signally protected her "in the dark watches of the night," be with her in the noon-tide of her returning prosperity, and may we, under the shadow of His wing, illustrate the career of a virtuous, united and happy people!

It remains for me, gentlemen, to pronounce this Convention adjourned *without day*.

The Convention then adjourned *sine die*.

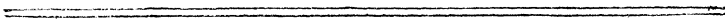
Attest—GEORGE G. BREWER,
Secretary to Convention.



I N D E X

TO THE

JOURNAL OF THE CONVENTION.



TO THE

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ALLEGANY COUNTY —Resolution to divide, and form a new county,	140
Report of select committee on New Coun- ties, in relation to,	321, 322
proceedings on,	511, 512
ANDERSON, JAMES H. , of Montgomery county, motions by,	171
ANNAN, ROBERT , of Frederick county, motions by,	386, 555 761
Presented a petition of sundry Tanners and Dealers in Leather,	197
Resolution by, to terminate debate on the report of the Judiciary committee,	555
ANNAPOLIS Resolution to establish the seat of govern- ment at,	122
APPEALS Reports of the clerk of the court of, of the Eastern Shore,	121, 170
Of the clerk of the court of, of the Wes- tern Shore,	127
Resolution of inquiry of the clerk of the court of, relative to the number of cases argued and decided in said court of, in the years 1847, 1848, 1849,	59
Resolution of inquiry of the clerks of the court of,	111
APPOINTMENT, TENURE OF OFFICE, &c. —Com- mittee on,	80
Reports of committee on, 557, 558, 653, 654 706, 707, 708, 709 ; proceedings on, 733, 734 736, 737, 738, 739, 741, 742, 743, 744	
Resolutions referred to committee on,	109
ASSESSMENT —Resolution of inquiry, relative to the ag- gregate amount of the last, in this State,	56
ATTORNEYS —Resolution relative to electing prosecuting, by the people,	60
ATTORNEY GENERAL —Committee on,	80
Report of committee on, 280, 281 ; pro- ceedings on, 415, 416, 417, 418, 419, 420, 421 422, 423, 424, 425, 426, 435	
Resolution of inquiry relative to the fees of,	100
Reports of clerks of commissioners of tax, relative to the fees of,	139, 144, 149

ATTORNEY GENERAL—

- Reports of clerks of courts relative to fees of office, 144, 151, 164, 195, 249
- Resolution relative to the appointment of, 145
- Resolution to terminate debate on report of the committee on, 420

B.

- BAIL** Resolution relative to, 145
- BALTIMORE CITY**—Proposition to district, 646; proceedings on, 647, 648, 649, 650, 651, 652, 654, 655, 656, 657, 658, 659, 660, 661, 662, 704, 705, 706, 722, 723, 724, 725, 726, 727, 728
 - Resolution to vest certain powers in the mayor and city council of, 149
- BANKS** Resolution in relation to, 100, 102, 112, 143
- BELL, EPHRAIM**, of Baltimore county—Motions by, 161, 344
 - Resolution by, prohibiting the Legislature from creating debts, appropriating the public funds for works of Internal Improvements, or other objects, &c., 75
 - Resolution by, relative to Education and the appointment of a State Superintendent of public schools, 96
 - Resolution by, relative to the per diem of absent members, 161
 - Resolution by, to elect supervisors of roads by the qualified voters of each election district throughout the counties, 677
- BIENNIAL SESSIONS**—Resolutions directing committee on the Legislative Department, to report in favor of, 90
 - proceedings on resolution, 115, 116
- BILL OF RIGHTS**—Committee on, 79
 - Report of committee on, 174; proceedings on, 223, 224, 225, 226, 227, 228, 231, 232, 233, 235, 236, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 249, 250, 251, 252, 253, 254, 256, 257, 258, 260, 261
 - Resolutions instructing committee on, 110

BILL OF RIGHTS—

Referred to committee on,	117, 145
To print amendments to the,	216
BISER, DANIEL S. , of Frederick county—Motions by,	58
90, 104, 178, 207, 211, 218, 249, 250, 253, 254	
255, 291, 307, 358, 401, 553, 555, 564, 580, 585	
607, 625, 690, 697, 698, 714	
Petition of sundry citizens of Frederick county, for the creation of a new county, presented by,	419
Resolution by, relative to the Judiciary,	100
Resolution by, to abolish religious test as a qualification to office,	117
Resolution by, to have published a detailed statement of all monies drawn from the Treasury, during the preceding year,	121
Resolution by, to appoint a committee to make suitable arrangements of the seats,	248
BLAKISTONE, WILLIAM J. , of St. Mary's county—Motions by, 17, 41, 51, 52, 59, 79, 91, 92, 189	
210, 216, 217, 222, 300, 324, 366, 368, 372	
448, 461, 489, 508, 524, 535, 536, 649, 679, 680, 715, 716, 718, 728, 729, 730, 741, 763	
Resolution by, to appoint committees, to consist of twenty-one members each, one from each county and the city of Baltimore,	51
Resolution by, relative to the compensation of officers of the Convention,	87
Resolution by, relative to the Elective Franchise,	136
Resolution by, relative to the rights of married women, and to protect clergymen,	136
Resolution by, relative to the parent and child,	136
Resolution by, to print the rules as amended,	207
Resolution by, to furnish editors of newspapers with copies of the journal,	216
Resolution by, of thanks to, the Hon. President pro tem. of the Convention,	772
BOND, JOHN , of Calvert county—Motions by,	690, 719
BOWIE, THOMAS F. , of Prince George's county—Motions by, 16, 39, 40, 45, 46, 57, 59, 84, 85, 87	
88, 133, 145, 146, 147, 154, 161, 165, 214, 223	
229, 239, 270, 352, 369, 407, 416, 420, 430, 480	
505, 512, 514, 517, 518, 528, 547, 548, 552, 554	
563, 564, 570, 580, 581, 583, 587, 589, 590, 592	

- BOWIE, THOMAS F.**, of P. George's county—Motions by, 595, 597, 599, 603, 606, 608, 609, 614, 615, 620, 656, 667, 670, 672, 673, 675, 680, 682, 683, 684, 686, 690, 694, 695, 696, 697, 710, 711, 717, 720, 721, 726, 727, 728, 744, 748, 769
- Report of, from the majority of the committee appointed to examine the credentials and to enquire into the qualifications of the members elected to this convention, 81
- Report of, chairman of the committee on the Judiciary, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270
- Resolution by, to rescind the order adopted to elect a President *viva voce*, 28
- Resolution to appoint a secretary and other officers to the convention, 39
- Resolution by, to appoint a Sergeant-at-Arms and other officers to the convention, 45
- Resolution by, to appoint committee clerks to the convention, 48
- Resolution by, relative to reforms in the Judiciary, 133, 134, 135, 136
- Resolution by, that the Convention attend the inauguration of the Governor elect, 162
- BOWLING, JOHN D.**, of Prince George's county—Motions by, 106, 513
- BRENT, GEORGE**, of Charles county—Motions by, 272, 273
- BRENT, ROBERT J.**, of Baltimore city—Motions by, 36, 37, 45, 106, 146, 167, 171, 180, 182, 183, 184, 196, 203, 206, 207, 212, 238, 240, 242, 243, 244, 245, 246, 249, 250, 331, 345, 346, 347, 348, 374, 381, 386, 387, 394, 398, 400, 401, 402, 404, 466, 471, 486, 514, 519, 525, 528, 529, 556, 580, 581, 591, 592, 615, 622, 656, 663, 664, 679, 684, 685, 691, 693, 703, 717, 718, 739, 746, 747
- Report of, from the minority committee on credentials and qualifications of members of the convention, 89
- Resolution by, in reference to the election of President, 31, 34
- Resolution by, to appoint a committee of five, to report on the credentials and qualifications of members of the Convention, &c., 43
- Resolution by, that unless the standing committees shall report before the first of January, that the Convention proceed to dispose of all subjects referred to said committees, 130

BREN'I, ROBERT J., of Baltimore city—	
Resolution by, to enter on the journal the names of absent members,	180
Resolution by, to rescind the 17th rule,	200
Resolution by, to amend the standing rules of the Convention,	205, 206, 207
Resolution by, relative to the furnace,	214, 215
Resolution by, to adjourn to allow the furnace to be repaired,	223
Resolution by, requiring all rail roads or canal companies to establish a uniform price or rate of toll,	492
Resolution to limit debate on the Judiciary report to half an hour,	556
BREWER, GEORGE G.—Appointed secretary,	42
Resolution in favor of,	735
proceedings on,	735, 736
BREWER, JOHN, of Montgomery county—	
Motions by,	104
	316, 329, 683
BRIBERY	
Resolution to prevent,	102, 107, 108
BROWN, ELIAS, of Carroll county—	
Cause of his absence entered on the journal,	427
Gave notice that he dissented from the report of the committee on the Elective Franchise, as a member of said committee,	142
Motions by,	3, 16, 28, 30, 36, 40, 46, 60, 69, 75, 86, 110, 113, 123, 130, 133, 139, 140, 142, 145, 146, 161, 167, 180, 184, 189, 191, 200, 207, 217, 231, 279, 292, 299, 300, 313, 317, 318, 327, 328, 355, 359, 361, 365, 366, 377, 379, 390, 398, 403, 447, 473, 518, 522, 524, 527, 530, 540, 542, 581, 582, 588, 603, 612, 627, 631, 640, 645, 649, 675, 684, 688, 704, 722, 723, 724, 738, 742, 760
Resolution by, that the rules of the last House of Delegates, except the rule to elect by ballot, be adopted as the rules of this Convention, until otherwise ordered,	25
Resolution by, to appoint standing committees, and their designation,	60
Resolution by, to stop the per diem during the recess of the convention,	146
Resolution by, that the committee clerks add up the census returns,	177
Resolution by, to restrict debate on the Judiciary report,	639, 687

BUCHANAN, JAMES M., of Baltimore county—Elected President pro tem.,	406
Motions by, 25, 104, 191, 255, 377, 400, 525 554, 588, 596, 641, 715, 722	
Petition of James P. Kennedy, of the city of Baltimore, in relation to Banks, presented by,	539
Resolution by, to elect certain officers to the convention,	39
Resolutions by, to appoint committees and their designation,	53
Resolution by, relative to the arrangement of the Judicial District,	112
Resolution by, to prohibit the commingling of the duties of the judges of the court of appeals and of the county courts,	112
Resolution by, in favor of the Pages,	604
Resolution of thanks to, President pro. tem.,	770

C.

CALANDAR	Resolution requiring the Secretary to keep a,	63
CAPITATION TAX—	Resolution in relation to,	98
CARTER, RICHARD C., of Caroline county—	Motions by,	317, 478
	Petitions of sundry citizens of the State, against the sale of intoxicating liquors, presented by,	677
	Resolution by, relative to the foreclosure of mortgages,	98
	Resolution by, relative to the school fund,	100
CENSUS	Resolution of enquiry, relative to the, of Maryland,	63, 64
	Communication from Secretary of Interior, relative to,	66, 67
	Communications relative to the,	237, 249
	Resolution authorising the Secretary to direct the committee clerks to add up the,	177

CENSUS	Resolution relative to the, of the slaves and Free Colored Population,	249
CHAMBERS, EZEKIEL F., of Kent county—	Motions by,	15
	31, 42, 145, 169, 178, 192, 193, 204, 205, 208	
	212, 215, 216, 217, 232, 238, 251, 253, 273, 275	
	288, 296, 310, 324, 331, 340, 353, 356, 363	
	369, 370, 377, 381, 382, 391, 398, 399, 402, 403	
	406, 407, 431, 462, 468, 476, 484, 490, 492, 506	
	512, 513, 519, 537, 551, 552, 566, 569, 606, 607	
	610, 613, 623, 625, 633, 644, 645, 646, 647	
	650, 659, 661, 698, 702, 703, 719, 722, 723, 724	
	725, 748, 752, 759	
	Report of, chairman of the committee of "twenty-one,"	127, 128, 129
	Report of, chairman of the committee on the Elective Franchise,	141, 142, 189
	Report of, from the minority committee on Representation,	284, 285, 286, 287
	Report by, from committee on revision relative to the Legislative Department,	771
	Resolution by, that the person for whom the largest number of votes cast, shall be declared duly elected president of the convention,	35
	Resolution by, declaring John G. Chapman, President of the convention,	38
	Resolution by, relative to the adjournment of the convention,	90
	Resolution by, to appoint a committee of twenty-one to consist of one member from each county and city of Baltimore, to consider the propriety of expressing the sense of the Convention upon the adjustment measures, passed at last session of Congress,	96
	Resolution by, relative to the committee on Printing,	170
	Resolution by, relative to taxing persons out of the State,	214
	Resolution by, in favor of Thomas H. O'Neal and E. B. Graham,	605
	Resolution by, to distribute the maps to the members and officers of the Convention,	605
CHANCERY—	Resolution of inquiry of the Register in, relative to the number of suits pending in said court,	55
	Report from the Register of the court of,	144

CHANDLER, HARTWELL J., of Baltimore county—	
Motions by,	336, 337, 726, 761
Resolution by, to provide a more speedy mode of collecting debts in court of law,	77
Resolution by, relative to the observance of thanksgiving day by the convention,	80
Resolution by, relative to corporations,	153
Resolution by, of thanks to the Hon. A. Randall,	156
Resolution by, relative to duelling,	169
CHAPMAN, JOHN G., of Charles county—Appointed President of the Convention,	38
Address of the Hon., in reply to a vote of thanks of the Convention,	782, 783, 784
Cause of his absence entered on the Journal,	426
Resolution to allow the Hon., President of the convention six dollars per diem,	736
Resolution of thanks to the Hon., President of the convention,	751
CHICHESTER, WASHINGTON B.—Assistant Secretary,	42
Detained at home by sickness,	151, 152
CLERGY	
Resolution appointing a committee to wait on the Rev., and request them to open the sessions of the convention with prayer,	10
Report of the committee appointed to procure the attendance of the,	16, 17
Resolution relative to,	136
Resolution to make, eligible to a seat in the Legislature and to hold any office of profit and trust,	171
CLERKS AND REGISTERS—Resolution of, inquiring of the, of the several counties in this State and Howard District, and Baltimore city court, relative to the gross receipts of their offices,	55, 56
Report from the clerk of Frederick county,	67, 68
Report from the clerk of Anne Arundel county court,	111
Report from the Register of Wills of Frederick county,	115

CLERKS AND REGISTERS—

Report of the clerk of Baltimore county court,	120, 131, 132
Report of the Register of Wills of Baltimore county,	121
Report from the clerk of Talbot county court,	124
Report from the Register of Baltimore city,	131
Report from the clerk of Queen Anne's county,	132, 144
Report from the clerks of the courts of Worcester, Charles and Montgomery counties, and the Register of Wills of Washington county,	144
Report from the Register of the court of Chancery,	144
Report from the Clerks of Carroll, St. Mary's, Prince George's and Caroline counties,	148
Report of the Register of Wills of Prince George's county,	162
Report from the Register of Wills of Caroline county,	164
Report from the Register of Wills of Somerset county,	171
Report of the Clerk of Worcester county court,	249
Report of the Clerk of Kent county court,	276

CODIFICATION OF THE LAWS—Resolution relative to a,	61
--	----

COLLEGES AND ACADEMIES—Resolution relative to State appropriations to,	123
--	-----

COLSTON, MORRIS O., of Talbot county—Motions by,	112
Resolutions by, to make Ministers of the Gospel eligible to a seat in the Legislature,	171

COMMISSIONERS OF TAX OR LEVY COURTS—	
Resolution of, inquiring of the, of the several counties of this State, of Howard District, and the Mayor and City Council of Baltimore, relative to the aggregate amount of the last assessment of property in said city, district and counties,	101
Communication from, in reply,	121, 123, 139, 143, 144, 148, 149, 151, 164, 171, 187, 195, 259, 333, 334

COMMITTEES, STANDING—

79, 80

Not to accompany reports with written explanations, 87, 116, 119, 120

Resolution relative to, reporting on or before 1st day of January, 130

Report of, on the Executive Department, 170

Report of, on the Declaration of Rights, 174

Report of, on the Legislative Department, 213, 218, 219, 221, 222

Report of, on the Judiciary Department, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270

Report of minority committee on, 408, 409, 410, 411, 412, 413, 414

Report of, on the Treasury Department, 234, 235

Report of, on the Attorney General and his Deputies, 280, 281

Report of, on the Appointment, Tenure of Office, Duties and Compensation of Civil Officers, &c., 557, 558, 653, 654, 707, 708, 709

Report of, on the Elective Franchise, 141, 142

Report of, on the power of the Legislature on Corporations, Municipal and others, and on the power of the Legislature to create debt, 653

Report of, on Education, 317

Report of, on Future Amendments and Revisions of the Constitution, as are not embraced in the, &c., 505

Report of, on Militia and Military Affairs, 605

Report of, on a proper basis of Representation in the two Houses of the General Assembly, and a proper apportionment of representation in the same, 281, 282

Report of minority committee on a proper basis of representation, &c., 284

On revision, 653, 769, 770, 771, 772, 773, 776, 777, 779

COMMITTEES, SELECT—Report of, on rules,

51

Report of, Twenty-One, to enquire and report what method would be most expedient to bring before the convention the forms and provisions of a new constitution, 65, 66

COMMITTEES, SELECT—

Report of, of **Twenty-One**, to consider and report the propriety of expressing the sense of the convention upon the adjustment measures, passed at last session of Congress, and the absolute necessity of enforcing them in their integrity, 127, 128

Report of, on Reporting and Printing, 63, 64
153, 508, 509, 733

Report of, to fix the compensation of officers of the convention, 81

Report of, on Credentials, 31, 81

Report of, on New Counties, 254, 567

Report of, on the expediency of discharging some of the doorkeepers and committee clerks, 396, 397, 398

Report of, on the License Laws, 751

Report of, on the cost of preparing a map, 174, 175

Report of, on the requisition of the Governor of Pennsylvania, 567, 568

On Free Colored Population, 496, 497, 498
499, 500, 501, 502, 503, 504, 505

CONNECTICUT—Report of the superintendent of common schools of the State of, 155

CONSCIENCE—Liberty and right of, 117

CONSTABLE, ALBERT, of Cecil county—Motions by 7, 25, 26, 27, 28, 36, 45, 55, 331, 338, 354, 355,
356, 690, 694, 729, 739, 741

Articles to the constitution submitted by, 729

Petitions of sundry citizens of Cecil county against the sale of intoxicating liquors, presented by, 474

Report of, from the committee appointed to procure the attendance of Clergymen, 16, 17

Resolution by, to wait on the Reverend Clergy, and request them to open the sessions of the convention with prayer, 10

Resolution by, requesting the commissioners of tax or Levy courts of the several counties in this State and of Howard district and the mayor and city council of Baltimore to furnish the convention with information in relation to the aggregate amount of the last assessment of property, &c. 55

CONSTITUTION—Committee to consider and report such provisions proper to be embodied in a, for the State as are not embraced in the foregoing resolutions,	80
Report of committee on, relative to master and slave 213; proceedings on,	223, 231
Report of committee on, relative to Public Works, 248; proceedings on	495, 540, 541, 542, 544, 545, 546, 548, 549, 550, 551, 552, 553, 554
Resolutions referred to committee on,	140, 141, 252
Committee on future amendments and revision of,	80
Articles submitted to the,	729; proceedings on, 729, 730
Reports of committee on Future Amendments, &c., of the,	505, 510; proceedings on, 528, 529, 530, 533, 534, 535, 536, 537, 538, 539, 540
Resolution relative to the mode of altering the,	138, 139
Resolutions referred to committee on	140, 141, 145, 152, 169
Resolution relative to future amendments,	145
Resolution providing for the expeditious printing and circulation of the new,	712; proceedings on, 712, 713
Resolution that the, be signed by the President and Secretary of the convention &c.,	758, 759, 763
Resolution to contract for the publication of 50,000 copies of the, &c.,	775; proceedings on, 776
Resolution to supervise the proof sheet of newspapers containing the publication of,	776
The chairman of the committee on Revision laid upon the desk of the President engrossed copy of the,	779
Resolution that the engrossed, be deposited, after its signature by the President and Secretary, in the office of the clerk of the court of Appeals of the Western Shore,	779
CONVENTION—Meeting of the,	3
List of Delegates elected to,	4
Organization of,	38

CONVENTION—

- Election of officers of, 38, 42, 50
- Resolution to prevent members of the, from holding any office of profit or trust, 97
- Resolutions relative to the rights of State Officers to hold seats in the, 99
- Resolution that the Post office of each member of the, be annexed to the Journal of proceedings of the, 776
- COOK, WILLIAM—Resolution in favor of, 145
- CORPORATIONS—Resolution prohibiting the State becoming part owner in, 96
- Resolution in relation to, 98, 101, 102, 112, 117, 118, 153, 194, 492
- Report from the committee on, 653
- COUNTIES Resolution to divide the, into separate election districts, 122
- COURTS Resolution relative to the sessions of county, 145
- CREDENTIALS—Committee on, 43
- Report of the committee on, 81
- Minority report of committee on, 89; proceedings on, 102, 104, 105, 106, 111, 113, 114
- CRISFIELD, JOHN W., of Somerset county—absence of, 5
- Motions by, 58, 196, 198, 205, 256, 340, 343, 346, 363, 365, 369, 372, 373, 381, 382, 391, 402, 418, 451, 475, 476, 491, 544, 554, 559, 562, 582, 589, 597, 598, 611, 620, 621, 623, 641
- Report of, from the minority of the committee to whom was referred the enquiry, “whether or not it would be expedient to discharge some of the Doorkeepers and committee clerks,” 397, 398
- Report of, from the minority committee on the Judiciary, 408, 409, 410, 411, 412, 413, 414, 415

D.

- DASHIELL, JOHN J., of Somerset county—Motions by, 113
184, 185, 209, 260, 394, 395, 603, 637
Resolution by, relative to the basis of Re-
presentation, 95
The cause of his absence entered on the
Journal, 426
- DAVIS, ALLEN BOWIE, of Montgomery county—Enter-
ed on the Journal that, has been called
home by the indisposition of his family, 730
Memorial against the repeal of the present
Inspection system, presented by, 610
Motions by, 142, 166, 183, 209, 253, 257, 307
341, 355, 357, 360, 361, 393, 527, 546, 706, 714
715, 716
Resolution by, to appoint a Chaplain to
the Convention, 10
Resolution by, that the committee of
twenty-one, be instructed to enquire whether
a committee ought not to be appointed upon
the subject of Agriculture, 55
Resolution by, to tax free negroes, 109
Resolution by, relative to the power of
the Legislature on corporations, 117, 118
Resolution by, tendering the use of the
Hall of the convention to the Rev. Thomas
L. Hamner, 142
Resolution by, to punish by fine and im-
prisonment members of Congress, &c., for
receiving fees, 149
Resolution by, that it be entered on the
Journal that Mr. Chichester, is detained at
home by indisposition, 151
Resolution by, relative to the establish-
ment of an Institution, to be called a Normal
or High School or College, 168
Resolution by, to take a recess, 700
Resolution by, in favor of the Rev. Mr.
Griffith and the Rev. Mr. Graff, 700, 701
- DEBATE— Resolution to restrict, 181
Resolution relative to, 186, 194, 195, 199
200, 439, 445, 447

- DEBATES—** Resolution to place bound copies of the,
in the State library, 678; proceedings on, 678
Resolution to transmit Registers of, and
Journals of the Convention, to members of
the convention, 722
- DECLARATION OF RIGHTS—**Committee on the, 80
Report of committee on, 174; proceedings
on, 223, 224, 225, 226, 227, 228, 231, 232, 233
235, 238, 239, 240, 241, 242, 243, 244, 245
246, 247, 249, 250, 251, 252, 253, 254, 257
258, 259, 260, 261, 697, 702, 703, 704, 705
Resolution instructing committee on, 110
Resolution referred to committee on, 117, 145
Resolution to print amendments to the 216
- DENNIS, JAMES U., of Somerset county—**Absence of 5, 272
Motions by, 103, 108, 195, 318, 445
Resolution by, asking information of the
Governor relative to criminal offences, 71
Resolution by, relative to a general regis-
try law, 82
- DENNIS, JOHN, of Somerset county—**Resolution by, rela-
tive to accommodations for such Reporters
as may desire seats upon the floor of the Hall, 94
Motions by, 100, 602
- DELAWARE** Communication from his Excellency the
Governor of the State of, 144
- DENT, JOHN T., of St. Mary's county—**Motions by, 207, 244
245, 309, 311, 316, 318, 336, 349, 359, 367
368, 461, 668, 670, 674, 706, 723, 726, 741
Resolution by, to abolish special pleading
in the courts of law of this State, 60
Resolutions by, relative to the Elective
Franchise, 94, 95
Resolution by, to adjourn until Monday
the 30th of December, 121
Resolution by, relative to pecuniary penal-
ties for misdemeanors, 140, 141
Resolutions by, relative to the Free Color-
ed Population, 141
- DICKINSON, SAMUEL P., of Talbot county—**Resolu-
tion by, to make stockholders of any Bank
liable, 112
- DIRICKSON, LEVIN L., of Worcester county—**Motions
by, 60, 85, 106, 272, 278, 279, 289, 291, 295
301, 389, 391, 392, 396, 416, 420, 422, 445
446, 447, 477, 478, 490, 565

DIRICKSON, LEVIN L.,—

Resolution by, to appoint a committee to take into consideration the expediency of simplyfying, modifying or abolishing the present system of pleadings in courts of justice, also, to enquire into the expediency of providing for the election of prosecuting Attorney's by the people, 60

Resolution by, to abolish the present system of appointing Inspectors, 119

Resolution by, relative to printing debates, 167

Resolution by, to enter on the Journal the vote of Messrs. John Lee, of Kent and L. L. Dirickson, 215

DONALDSON, THOMAS, of Anne Arundel county—

Motions by, 24, 58, 82, 111, 178, 241, 290, 291, 299, 313, 318, 319, 322, 328, 349, 356, 383, 387, 426, 512, 513, 527, 536, 537, 560, 561, 562, 690, 736, 737, 747

Resolution by, asking information from the commissioners of Lotteries, 62

Resolution by, asking information of the State Treasurer, 136, 137, 138

Petition of citizens of Howard District against the sale of ardent spirits, presented by, 358

Substituted in the place of Mr. Randall on the committee on printing, 721

Report of, from the select committee on the subject of Licenses, 751

DOORKEEPERS AND COMMITTEE CLERKS—

Resolution to appoint a select committee to enquire and report relative to the expediency of discharging some of the, 383, proceedings on, 383, committee appointed, 385, motion to reconsider, 385, proceedings on, 386, determined in the negative, 386, 390, report of select committee, 396, 397

Minority report, 397, 398, proceedings on, 398, 399, majority report adopted, 399, motion to reconsider, 400, proceedings on, 400, 401, 407, 416, determined in the negative, 416

DORSEY, THOMAS B., of Anne Arundel county—

Motions by, 5, 28, 29, 58, 64, 79, 165, 174, 176, 184, 189, 198, 202, 203, 204, 223, 228, 238, 239, 241, 250, 254, 271, 289, 290, 296, 297, 298, 299

DORSEY, THOMAS B.,—

303, 309, 310, 311, 318, 333, 334, 335, 339, 341
 342, 343, 352, 353, 364, 370, 371, 373, 377, 382
 383, 388, 389, 390, 391, 393, 394, 407, 416, 420
 421, 422, 427, 432, 440, 441, 451, 452, 463, 468
 469, 484, 486, 487, 505, 506, 524, 544, 546, 562
 563, 564, 565, 635, 636, 640, 663, 680, 699, 711
 719, 720, 730, 731, 732, 755, 758, 769, 770

Report of, chairman of the committee on
 the Declaration of Rights, 174

Report of, chairman of the committee
 respecting the formation of new counties, 154

Report by, from the committee on new
 counties, 567

Resolution by, to create an office to be
 called the State's Agents, 118, 119

Resolution by, to elect Governor by electo-
 rial college, 139, 140

Resolution by, to prevent the Governor
 from releasing interest on debts for taxes, 152

Resolution by, relative to the attendance of
 members of the Convention, 181

DUELLING Resolution to prevent, 96
 Resolution relative to, 169

E.

EASTERN SHORE—Resolution to allow the, to separate
 from the Western Shore, 140

ECCLESTON, JOSEPH R., of Dorchester county—Mo-
 tions by, 533

Report of, from the committee appointed
 to fix the compensation of the officers of the
 Convention, 31

Resolution by, relative to the compensa-
 tion of officers of the Convention, 78

Resolution by, relative to the call of future
 conventions to alter the constitution, 145

EDUCATION Committee on, 80
 Communication from E. Root, Esq., rela-
 tive to, 137

EDUCATION—

- Report of committee on, 317, proceedings on, 714, 715, 716, 717, 718
- Resolutions referred to, 71, 100, 117, 122, 123, 144, 148, 151, 155, 164, 168
- Resolution for the benefit of, 71

EGE, ANDREW G., of Carroll county—Motions by, 7, 105, 142, 407, 706, 714, 718

- Resolution by, restricting the action of the Legislature in creating public debts, 76
- Resolution by, altering the mode of electing jurors to prevent partiality, 78
- Resolution by, relative to the compensation of all judicial officers, 109
- Resolution by, to apply all the University, College, and Academic appropriations by the State to a general school fund, 123
- Resolution by, relative to the basis of representation in the Legislature, 132

ELECTIONS Resolution relative to the time of holding, 121

ELECTIVE FRANCHISE—Committee on, 80

- Report of committee on, 141, 142; proceedings on, 145, 146, 147, 169, 171, 172, 173, 175, 176, 177, 178, 179, 181, 182, 183, 185, 186, 187, 188, 189, 190, 191, 192, 193, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 216, 223, 752, 754, 755, 756, 757, 758, 759
- Report from the committee on Revision relative to the, 770
- Resolutions referred to the committee on, 77, 82, 94, 95, 98, 102, 121, 136, 143, 165
- Resolutions in relation to the, 136

EXECUTIVE DEPARTMENT—Committee on, 80

- Report of committee on, 170; proceedings on, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 401, 402, 403, 492, 493, 494, 505, 506, 507, 508, 722
- Resolutions referred to the Committee on, 78, 100, 101, 120, 121, 139, 140, 143, 152
- Resolutions directing committee on, to inquire into the expediency of inserting certain articles in the constitution, 156, 157, 158, 159, 160

F.

FIERY, LEWIS P., of Washington county—Motions by	61
	290, 302, 346, 427, 429, 492, 715
Petition of sundry citizens of Frederick county, for the erection of a new county,	
Presented by,	492
Resolution by, relative to a codification of the laws of the State,	61
Resolution by, fixing the compensation of the Executive of this State,	78
Resolution by, relative to holding elections on the third Wednesday of October,	221
Resolution by, to hold evening sessions,	192
FILLMORE, MILLARD, President of the United States—	
Communication from,	147
FINES— Resolution relative to,	153
FITZPATRICK, JAMES, of Allegany county—Motions by, 117, 314, 344, 420, 528, 533, 590, 514,	680
	738
Report of, from the committee on Future Amendments and Revisions of the Constitution,	510
Resolution by, to establish a Board of Public Works,	83
Resolution by, relative to reducing the number of Judges in courts of law and equity in this State, &c.,	83
Resolution by, relative to Banks and Banking Associations,	102
Resolution by, in favor of William Cook,	145
FLORIDA— Report from the State of,	155
FOOKS, JAMES M., of Worcester county—Motions by	201
	672, 704, 752
Resolution by, relative to the qualification of voters,	102
FOREIGNERS—Resolution to authorize resident, to alienate real estate,	122
FREDERICK COUNTY—Petitions of the citizens of, relative to free negroes,	147, 323
Petitions of the citizens of, and Washington counties, praying for the erection of a	

FREDERICK COUNTY—

new county, 323, 419; referred to the committee on New Counties, 323, 419

Petitions of citizens of, against the creation of a new county, from parts of, and Washington counties, 323, 385, 399; referred to the committee on New Counties, 323, 385, 399

Petitions of 553 citizens of, and Washington counties, for the creation of a new county, 358, 401

FREE COLORED POPULATION—Committee on, 164

Petitions relative to, 147, 323

Report of committee on, 496, 497, 498, 499 500, 501, 502, 503, 504, 505; proceedings on, 761, 762

Resolution to appoint a committee of seven to consider and report some plan to rid the State of the, 108; to tax, 109

FURNACE— Committee on the, 214

Resolutions relative to the, 214, 223

FURTHER AMENDMENTS AND REVISIONS OF THE CONSTITUTION—Committee on, 80

Reports of committee on, 505, 510; proceedings on, 528, 529, 530, 533, 534, 535, 536 537, 538, 539, 540

G.**GAITHER, JOHN D., of Frederick county—Motions by, 446**

Petition of sundry citizens of Frederick county to restrict the sale of intoxicating liquors, presented by, 446

GENERAL ASSEMBLY—Committee on a proper basis of Representation in, &c., 80

Report of committee on, 132, 231

Report of minority committee on, 284

Proceedings on the several reports of the committee on a proper basis of Representation in, 133, 139, 207, 208, 209, 211 212, 213, 215, 216, 217, 427, 428, 429, 430 431, 432, 433, 434, 435, 436, 437, 440, 441

GENERAL ASSEMBLY—

442, 443, 445, 446, 447, 448, 449, 450, 451, 452
 453, 454, 461, 462, 463, 464, 465, 466, 467
 468, 469, 470, 471, 472, 473, 476, 477, 478, 479
 480, 481, 482, 483, 484, 485, 486, 487, 488, 490

Resolutions referred to committee on a proper basis of Representation in the, 95, 96, 117
 122, 123, 124, 125, 132, 148, 149, 209, 259, 288
 324, 325, 326, 327

Resolution to fix annual sessions of the, 109

Resolution to limit the number of members in the, 117

Resolution relative to representation in the, 324, 325, 326, 327

Resolution to have printed in one tabular form, the various plans for a basis of Representation in the, 400

Resolution fixing a day to vote on the various motions, propositions, &c., touching the subject of Representation in the, 438; proceedings on, 438, 439, 445, 447

GEORGE, ENOCH of Queen Anne's county—Motions by, 256, 257, 315, 318, 353, 676, 684

GLOVER, WILLIAM—Resolution in favor of, 145

GOLDSBOROUGH, WILLIAM T., of Dorchester county—Motions by, 782

GOVERNOR Committee appointed to wait on the, and obtain a list of the delegates elect to the convention, 3; report of the committee appointed, 3

Communications from the, 4, 5, 89, 90, 116
 130, 168, 507, 617

Invitation to attend the Inauguration of the, elect, 162, 163

Resolution requesting the, to furnish a list of civil officers of Executive appointment, &c., 101

Resolution to elect by, an electoral college, 139, 140

Resolution in relation to the residence of the future, and salary of, 101, 102

Resolution relative to the appointment of, and Lieutenant, and prescribing the powers of, 120

Resolution requesting the, to transmit to the convention all papers and documents in

GOVERNOR—

relation to the requisition of James S. Mitchell, by the Governor of Pennsylvania, 492

Resolution requesting a copy of the inaugural address of the elect, and to print five thousand copies of the same, 163, 169

GRASON, WILLIAM of Queen Anne's county—Absence of,

5

Appointed a member of the committee of, "21" 62

Motions by, 30, 42, 44, 74, 116, 170, 185, 336
342, 352, 371, 373, 374, 375, 376, 377, 378, 379
380, 381, 382, 383, 388, 389, 396, 401, 402, 485
492, 493, 601, 602, 614, 667, 696, 722, 733, 763

Resolution by, to furnish each member of the convention with such newspapers as he may direct, the price thereof not to exceed that of one daily paper, 56

Resolution by, in favor of William Glover, 145

Report of, chairman of the committee on the Executive department, 170

Resolution by, to allow the President of the convention six dollars per diem, 736

GRAVE YARDS—Petition for the protection of, referred to committee No. 14, 355**GRIFFITH, REV. MR., & GRAFF, REV. MR.,—**Resolution in favor of the, 700, proceedings on, 700, 701**GWINN, CHARLES J. M., of Baltimore city,—**Motions by, 68, 75, 91, 102, 104, 105, 132, 139, 167, 169, 177, 209, 211, 213, 294, 297, 307, 310, 311, 343, 346, 347, 359, 374, 378, 387, 417, 420, 468, 525, 551, 570, 598, 606, 635, 641, 642, 675, 684, 709, 717, 720, 743

Resolution by, as to the mode of proceeding in the election of President, 31

Resolution by, to appoint the standing committees of the Convention, with their designation, 52

Petition of sundry citizens of Baltimore, against the sale of intoxicating liquors, presented by, 474

Resolution by, of inquiry of the clerks of the several counties in this State and of How-

GWINN, CHARLES J. M.—

ard District and of Bltimore city and of the
Registers of Wills of the several counties
and of Howard District, as to the gross re-
ceipts of their offices, &c. 55

Resolution by, directing the Secretary of
the Convention, to keep a calandar of mat-
ters referred to the committee of the whole, 63

Resolution by, referring the propositions
relating to Representation, and to the divi-
sion of the State into election districts, to a
committee of the whole, 68

Resolution by, relative to the division of
the State, into election districts, 69

Resolution by, asking information of the
Governor, as to the number of pardons and
nolle prosequis granted since the year, 1838, 75

Resolution by, restricting the Legislature
in granting acts of incorporation, 98

Resolutions by, relative to the qualifica-
tion of members to a seat in the Conven-
tion, 99

Resolution by, relative to representation in
the Legislature, 122

Resolution by, that the committee on re-
presentation report, 136

Resolution by, to stop debate, 199

Resolution by, to meet at 10 o'clock, 293

Resolution by, to suspend the order, as to
new matter, to permit the Revisory commit-
tee to add a section to the Judiciary Re-
port, 762

H.

- HALL** Resolution appointing committee to make alteration in the, 229
Resolutions relative to the, 236, 248
- HAMNER, THOMAS L., Rev'd.,**—Resolution tendering the use of the Hall of the convention to, 142
- HARBINE, THOMAS,** of Washington county—Motions by, 36, 46, 47, 166, 270, 290, 322, 336, 343, 555, 595, 636, 637, 666, 667, 697, 729
Resolution by, of thanks to the Hon. Benjamin C. Howard, President of the Convention, pro tem., and the Hon's. James L. Ridgely and James B. Ricaud, Secretaries pro tem., 45
Resolution by, relating to the apportionment of Representation in the Legislature, 73
Resolution by, for quarterly sessions of the courts of common law, 145
Resolution by, relative to the absence of Mr. Michael Newcomer, 177
Petition presented by, against the sale of intoxicating liquors, 322
Petition presented by, against the formation of a new county, out of Washington and Frederick counties, 688
- HARDCASTLE, EDWARD,** of Caroline county—Motions by, 114, 371, 760
Resolution by, that the convention adjourn until the first Monday in January, 112
- HEARN, EBENEZER,** of Worcester county—Motions by, 349, 352, 453, 697
Resolution by, to enter on the Journal that Mr. Jacobs is detained from his seat by indisposition, 177
- HICKS, THOMAS H.,** of Dorchester county—Motions by, 134, 228, 245, 275, 276, 346, 351, 352, 398, 407, 416, 533, 539, 540, 564, 569, 747, 760
Resolution by, appointing ten o'clock A.M. the hour of meeting of the convention, 76
Resolution by, to allow the Eastern Shore to separate from the Western Shore, 140

HODSON, JOHN H. , of Dorchester county—Motions by,	316
Resolution by, to prevent the Legislature from creating a debt, or levying a tax for internal improvement,	103
HOLLYDAY, WILLIAM M. , of Allegany county—Motions by,	351, 358, 381, 671, 672
Resolution by, relative to bribery,	82
Resolution by, requiring a tax to be imposed at the same time that any appropriation is made by the Legislature for any works of internal improvement, &c.,	82, 83
Resolution relative to the compensation of Justices of the Peace,	119
HOPEWELL, JAMES R. , of St. Mary's county—Motions by,	465, 466
HOWARD, BENJAMIN C. , Baltimore county—Motions by, 29, 423, 439, 491, 513, 542, 543, 596, 605, 628, 633, 636, 637, 640, 655, 656, 665, 667, 681, 698, 699, 710, 718, 719, 720, 723, 728, 751, 761, 762	
Resolution by, relative to representation in the House of Delegates,	288
Resolution by, fixing a day to vote on the various articles and amendments touching representation,	438
Resolution by, authorising the President of the Convention, to dismiss either or both of the Doorkeepers,	533
Report by, from the committee on the Militia,	605
Resolution by, that after the 10th instant no article or section of the proposed constitution shall be adopted or considered, and no article adopted reconsidered, &c.	697
Resolution by, of thanks to the Hon. John G. Chapman, President of the Convention,	751
Resolution to deposit the engrossed constitution after its signature by the President and Secretary in the office of the clerk of the court of Appeals of the Western Shore,	779
HOWARD DISTRICT —Resolution to create a new county,	124
Petition of James Sykes and others relative to 228, 271, referred to a special committee of five, 229, petitions relative to,	241
Report of the select committee on,	254
Proceedings on,	271

I.

ILLINOIS	Report from the Secretary of State and ex-officio superintendent of common schools of the State of,	155
INDEX	Resolution to make a suitable, to the Journal of Proceedings, and also to the Debates of the Convention, 211; proceedings on,	214
INDIANA	Communication from His Excellency, the Governor of,	144
	Communication from the President of the Constitutional Convention of,	164, 165
INSPECTIONS	—Committee on the regulation of,	80
	Resolutions referred to,	119, 121, 170
	Petitions relative to,	132, 677
INSPECTORS	—Resolution to change system of electing,	119
	Resolution relative to the election of Tobacco, by the people,	121
	Resolution relative to the appointment of,	170
INTOXICATING LIQUORS	—Petition of the citizens of Allegany county, against the sale of,	299
	Petition of sundry citizens of Washington county, of similar import,	322
	Petitions of citizens of Washington county, relative to the sale of,	329, 333
	Petitions of the citizens of Anne Arundel county, relative to the sale of,	354, 355, 358
	Petitions of sundry citizens of Allegany county, of similar import,	358, 372
	Petition of sundry citizens of Howard District, in Anne Arundel county, of similar import,	358
	Petition of sundry citizens of Somerset county, of similar import,	372, 704
	Petitions of sundry citizens of Frederick county, of similar import,	380, 437, 474
	Petition of sundry citizens of Kent county, of similar import,	385
	Petition of sundry citizens of Harford county, of similar import,	385

INTOXICATING LIQUORS—

	Petition of citizens of Washington county, of similar import,	400
	Petition of sundry citizens of the State, of similar import,	407
	Petition of sundry citizens of Dorchester county, of similar import,	436
	Petitions of sundry citizens of Baltimore county, of similar import,	436
	Petition of sundry citizens of Talbot coun- ty, of similar import,	436
	Petition of sundry citizens of Queen Anne's county, of similar import,	437
	Petition of sundry citizens of Carroll county, of similar import,	438
	Petition of sundry citizens of Cecil county, of similar import,	474
	Petition of citizens of Baltimore city, against the sale of,	474, 662
	Petition of sundry citizens of Charles county, against the sale of,	611
	Petition of sundry citizens of Anne Arun- del county, of similar import,	631
IOWA	Communication from the State of,	164

J.

JACOBS, CURTIS W., of Worcester county—	Resolution by, to prohibit the Legislature from appro- priating any monies out of the public Trea- sury, except for the expenses of government, until the State debt shall have been paid,	83
	Resolution by, relative to the distribution of the revenue of the works of internal im- provement, among the several counties and cities of this State, after the payment of the State debt,	83
	Resolution by, relative to Free Negroes,	108
	Motions by, 290, 291, 292, 322, 328, 330, 450, 547, 551, 563, 582, 585, 685, 738, 761	329

JACOBS, CURTIS W., of Worcester county—

Report by, from the committee on the
Free Negro Population of this State, 496, 497
498, 499, 500, 501, 502, 503, 504, 505

JENIFER, DANIEL, of Charles county—Motions by, 10, 15
24, 28, 30, 50, 51, 55, 56, 62, 63, 66, 154, 163
166, 167, 170, 171, 172, 180, 181, 185, 186
189, 193, 194, 213, 223, 231, 244, 246, 248
255, 322, 328, 348, 394, 417, 430, 453, 461
470, 484, 491, 494, 505, 511, 570, 594, 599
648

Resolution by, that when the Convention
adjourn, it adjourn *sine die*, 15

Resolution by, that each member resign
his seat as delegate, or that the Convention
adjourn *sine die*, 23

Resolution by, to elect a President with-
out nomination, and without regard to politi-
cal parties, 24

Resolution by, that the House entertain
no motion to adjourn until a President is
elected, 29, 30

Resolution by, to appoint a committee to
enquire and report what method will be most
expedient in bringing before the Convention
amendments to the constitution of the State, 38

Resolutions by, to appoint committees
and their designation, 54, 55

Report of, from the committee of twenty-
one, 65, 66

Resolution by, to make the city of Anna-
polis, the permanent seat of government, 122

Resolution by, to employ a competent
person to report the proceedings and debates
of the Convention, 131, 138

Resolution by, relative to Master and
Slave, 146, 147

Resolution by, to employ a Reporter, 153

Resolution by, relative to Printing, 167

Resolution by, to stop debate on the report
of the committee on the Elective Franchise, 186

Report of, chairman of committee No. 14, 213
223, 231, 248

Report of, from committee No. 14, 369, 370

JENIFER, DANIEL, of Charles county—

Report of, from committee No. 14, relative to petitions against the sale of intoxicating liquor, referred to said committee, 376

Resolution by, to appoint a committee from each gubernatorial district, to take into consideration the question of Representation, &c., 483

Substitute by, for the report of the committee on the Judiciary, 570, 571, 572, 573, 575, 576

JOHNSON, WILLIAM COST, of Frederick county—

Resolution by, directing the President of the Convention to communicate with the Secretary of the Interior, relative to the census of Maryland, 63

Resolution by, relative to the support of free school education, 71

Resolution by, relative to the basis of representation in the General Assembly of Maryland, 72, 73

Motions by, 79, 82, 85, 470, 482, 484, 490, 561, 593, 601, 606, 608, 615, 621, 647, 648, 655, 657, 659, 660, 686, 725, 726, 727, 743, 748, 749, 755

Petition of sundry citizens of Frederick county, presented by, 147

Report of, chairman of the committee on the Legislative Department, 213, 218, 209, 220, 221, 222

Resolution by, that the constitution be signed by the President and Secretary of the Convention, &c., 758, 759

JOURNAL

Resolution to forward one copy of, to editors of newspapers in the several counties in the State, 216

Resolution to print additional copies of the daily, for the use of the Convention, 43

Proceedings on, 344

Corrections of the, 339

Committee appointed to examine, &c., 611

Resolution to appoint a committee to examine the, &c., 611

Report of committee on, 734, 735

Proceedings on, 735, 736

JUDICIAL OFFICERS	—Resolution of inquiry relative to the salaries of Judges of Baltimore county court,	51
	Resolution to appoint Judges by a College of electors,	98, 99
	Resolution to make all judicial offices in this State, offices of fixed salaries, &c.,	109
	Resolution in relation to,	112
JUDICIARY	Resolutions referred to, 72, 82, 83, 93, 94, 97, 98, 99, 101, 107, 108, 109, 112, 113, 115, 119, 120, 124, 127, 132, 133, 134, 135, 136, 145, 148, 149, 151, 153, 162, 164, 232, 276	
	Committee on,	79
	Resolutions instructing the committee on,	107
	Resolutions relative to reforms in the,	133, 134, 135, 136
	Report of committee on,	261, 262, 263, 264, 265, 266, 267, 268, 269, 270
	Minority report,	408, 409, 410, 411, 412, 413
	414; proceedings on reports of committee on,	554, 555, 557, 559, 560, 561, 562, 563, 564, 565, 566, 568, 569, 570, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 606, 607, 608, 609, 610, 612, 613, 614, 615, 616, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 633, 634, 635, 636, 637, 638, 640, 641, 642, 643, 644, 645, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 679, 680, 681, 682, 683, 684, 685, 686, 687, 706, 709, 710, 711, 712, 713, 722
	Estimates of the cost of the proposed,	414
JURIES	Resolution to make verdicts of, final, in certain cases,	101
	Resolution that a less number than the whole shall find a verdict in civil cases,	149
JUSTICES OF THE PEACE	—Resolution relative to the compensation of,	119

K.

- KENNEDY, JOS. C. G.,—Communications from, 137, 149
- KENNEDY, JAMES P.,—Petition of, relative to building
Churches and church government, 255
- KENT, JAMES, of Anne Arundel county—Motions by, 358
Petition of sundry citizens of Anne Arundel county, against the sale of ardent spirits,
presented by, 358
- KILGOUR, JOHN M., of Montgomery county—Motions
by, 25, 58, 89, 139, 140, 153, 165, 183, 193
201, 257, 337, 349, 359, 386, 423, 427, 522
538
- Resolution by, asking information from
the Secretary of the Interior, relative to the
census of Maryland, 64
- Resolution by, relative to abolishing im-
prisonment for debt, 74
- Resolution by, relative to the compensa-
tion of officers of the Convention, 92
- Resolution by, relative to a homestead law, 103
- Petition of sundry citizens of the State
against the sale of intoxicating liquors, pre-
sented by, 427
- KING, GEORGE S., AND OTHERS—Resolution in
favor of, 761
Proceedings on, 761, 762, 764
- KONIG, P., AND OTHERS—Petition of, relative to the
election of Governor and frauds at elections 142
143

L.

- LAND OFFICE**—Proposition in relation to the, 737
 Report of committee of Revision, relative to the, 773
- LEE, JOHN**, of Kent county—Resolution by, relative to a capitation tax, 98
 Motions by, 152, 369, 379, 394, 395, 644, 664
- LEGISLATIVE DEPARTMENT**—Resolutions referred to committee on, 75, 76, 78, 83, 99, 109, 111, 122, 123, 138, 148, 149, 160, 161, 171, 172, 213
 Committee on, 79
 Report of committee on, 213, 218, 219, 220, 221, 222 ; proceedings on, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 328, 329, 330, 331, 332, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 360, 361, 362, 363, 365, 366, 367, 368, 369, 512, 513, 514, 515, 516, 517, 518, 519, 521, 522, 523, 524, 525, 526, 527, 611, 625, 633, 688, 689, 690, 691, 692, 693, 694, 695, 696, 702, 744, 746, 747, 748, 749, 771
 Report of committee on Revision, relative to the, 771
- LEGISLATURE**—Resolution to have biennial sessions of the, 90
 Resolution to fix the compensation of members at three dollars, 99
 Resolution that each county pay its own members of the, 100
 Resolution relative to organizing the, to consist of a Senate and House of Delegates, 122, 123, 124, 125, 126
 Resolution relative to the powers of the, to originate money bills, 138
 Resolution prohibiting members of, from acting as counsel in the prosecution of claims before the, 138

LEGISLATURE—

	Resolution to have annual sessions of the,	148, 149
	Resolution to punish members of the State, and of Congress, who shall receive compensation for advocating claims before the,	149
LIBRARIAN	Proposition to elect State, by joint vote of the two branches of the Legislature, &c.,	738
	Proceedings on,	738
	Resolution in favor of the State,	740
	Report of committee on Revision, relative to,	773
LIBRARY	Resolution to place bound copies of the Debates of the Convention in the State,	678
	Proceedings on,	678
LICENSE LAWS—	Committee, select, on the, appointed,	339
	Report of committee on,	751
LLOYD, EDWARD, of Talbot county—	Motions by,	359
LOTTERIES	Resolution of enquiry asking information of the commissioners of,	62
	Communication from the commissioner of,	68
	Resolution to prevent grants,	122
	Report from the commissioners of,	155
	Petition of the citizens of New York, relative to,	299
LOUISIANA	Communication from the Governor of the State of,	179, 180

M.

MAGISTRATES COURTS—Resolution relative to,	109
MAGRAW, SAMUEL M., of Harford county—Motions by, 34, 131, 139, 172, 242, 278, 292, 384,	650
	711, 734
Resolutions by, relative to the per diem of officers and members of the convention, to employing reporters, to printing proceedings and debates of the convention, &c.,	92
Resolution by, in relation to the cost of the preparation of a map,	172
Report of, chairman of the select committee, relative to the cost of a map,	174, 175
Resolution by, to appoint a committee to ascertain what alteration can be made in the Hall,	229
Petition of citizens of Harford county, against the sale of intoxicating liquors, presented by,	385
Petition of sundry citizens of the State, against the sale of intoxicating liquors, presented by,	539
Resolution by, to appoint a committee to examine the record of the Journal of Proceedings, &c.	611
Report by, from the select committee to examine the record of the journal, &c.,	734, 735
Report by, from the committee of Revision,	769
MAP	
Resolution relative to the preparation of a State, for the use of the convention,	169
Proceedings on,	172, 177, 194
Committee appointed relative to the cost of,	172
Report of committee, relative to,	174, 175
MARRIED WOMEN—Resolutions for the benefit of,	136
MASSACHUSETTS—Report from the Secretary of State of,	155
MASTER AND SLAVE—Resolution in relation to,	109, 211
Report of committee No. 14, in relation to,	231
Proceedings on,	223, 231
MCCUBBIN, JOHN M. S., of Prince George's county—Motions by,	330, 720
Resolution by, to allow extra compensation of fifty dollars to each of the officers of the convention,	772, 773, 774

McCULLOUGH, WILLIAM, of Cecil county—Entered on the journal that he is detained from his seat by the severe illness of his family, 159

McHENRY, RAMSEY, of Harford county—Motions by, 5, 29, 35, 37, 41, 48, 54, 58, 68, 147, 176, 178, 181, 183, 199, 230, 260, 270, 275, 297, 314, 319, 320, 327, 332, 337, 338, 340, 354, 355, 362, 366, 368, 390, 393, 394, 400, 508, 523, 525, 527, 544, 644, 659, 691, 717, 734, 739, 741

Resolutions by, to appoint standing committees on the constitution, and their designation, 53

Resolutions by, relative to the Legislative Department of government, the organization of three new counties, and to restrict the action of the Legislature, 73, 123

Resolution by, relative to embodying certain features in the Declaration of Rights, 110

Resolution by, relative to the Executive Department, 120

Resolution by, relative to the Legislative Department, 123

Resolution by, to terminate debate on the report of the committee on the Elective Franchise, 194, 195, 199

Resolution by, to terminate debate on the article of the constitution, reported by the committee on the Attorney General, 420

Reports of, from the committee on the appointment, tenure of office, &c., 653, 654, 706, 707, 708, 709

Resolution by, to allow mileage to the officers of the convention, 760

McLANE, LOUIS, of Cecil county—Motions by, 32, 162, 235, 238, 401, 418, 720, 730

Appointed a member of the committee of twenty-one, 62

Resolutions by, relative to the organization of the Judiciary Department, the election of judges by the people, the election of justices of the peace and constables by the people, and also clerks and registers, rendering the criminal law definite and precise, to provide for a revision of the statutes, to simplify suits and pleadings, &c., 93, 94

McLANE, LOUIS, of Cecil county—

Report of, chairman of committee on the
Treasury Department, 234, 235

Communication from, asking leave of ab-
sence in consequence of the state of his
health, 495

McMASTER, SAMUEL S., of Worcester county—Reso-
lution by, to dispense with the system of
voting viva voce, in the election of Presi-
dent, 20

Resolution by, appointing 11 o'clock, A.
M., the hour of meeting of the Convention, 76

Resolution by, relative to the Legislative
Department, 109

Motions by, 167, 173, 236, 273, 340, 341, 345
347, 479, 506, 511, 522, 523, 526, 585, 590, 624
629, 729

MENNONITE CHURCH—Petition of the members of, 177**MERRICK, WILLIAM D.**, of Charles county—Motions
by, 16, 105, 112, 115, 163, 165, 172, 175, 187
196, 207, 243, 244, 271, 272, 288, 297, 322, 326
337, 340, 353, 359, 421, 428, 429, 466, 467, 636
662, 667

Resolution by, relative to the Legislative
Department, 124, 125, 126

Reports by, chairman of the committee on
Representation, 132, 281, 282, 283, 284

Resolution by, to establish a Board of
Public Works, 211

MILITIA AND MILITARY AFFAIRS—Committee on, 80

Resolutions referred to, 142

Report of committee on, 605, 606

Proceedings on, 718, 719

MILLER, JOHN M., of Cecil county—Resolution by, re-
lative to damages by a jury, 101

Resolution by, relative to corporations, 101

Motions by, 452, 590, 693

MISDEMEANORS—Resolution relative to, 141**MITCHELL, JOSEPH T.**, of Kent county—Motions by, 20
81, 92, 93, 154, 244, 278, 350, 471, 480, 486
537, 755

Resolution by, to abolish the mode of
voting by ballot and substituting viva voce, 95

Resolution by, relative to alterations in
the Hall, 236

MITCHELL, JOSEPH T., of Kent county—

Cause of his absence entered on the journal, 426

Resolution by, in favor of James Brantzell, 653

MONEY BILLS—Resolution to confer upon the Senate the power to amend, 111

MORGAN, GEORGE C., of St. Mary's county—Motions by, 24, 28, 29, 39, 169, 177, 195, 230, 326, 327, 335, 483, 628, 630, 631, 635, 636, 638, 640, 643, 644, 656, 733, 762, 764

N.

NATURALIZATION—Resolution to prevent persons from voting until they have been in the State one year after, 141

NEILL, ALEXANDER, of Washington county—Motions by, 59, 68, 143, 177, 314, 360, 627, 702

Resolution by, requesting the Clerks of the Court of Appeals for the Eastern and Western Shores, to inform the Convention of the number of cases argued and decided in said courts, during the years 1847, 1848 and 1849, and said reports be made by the 15th of December next, 59

Resolution by, asking information of the State Treasurer, 63

Resolution by, to exempt persons conscientiously scrupulous of bearing arms, from Military services, 142

Resolution by, relative to the population of all new counties, 142

Resolution by, relative to representation, 324

Resolution by, in favor of John W. Rider, 740

NEWCOMER, JOHN, of Washington county—Motions by, 73, 191, 208, 229, 251, 252, 261, 278, 288, 335, 346, 347, 364, 369, 422, 435, 450, 461, 522, 523, 543, 544, 595, 613, 629, 662, 664

NEWCOMER, JOHN , of Washington county—	
666, 667, 673, 674, 681, 682, 688, 711, 731	
734, 735, 736, 741, 742, 769, 770, 771	
Resolution by, to fix the compensation of members of the Legislature,	99
Resolution by, to take a recess,	109
Resolution by, of thanks to the Hon. James M. Buchanan,	770
NEWCOMER MICHAEL , of Washington county—	
Motions by, 68, 118, 351, 474, 600, 604	
Resolution by, that no county or city shall send more than one lawyer to the Legislature,	108
Resolution by, relative to the appointment of Inspectors,	170
Resolution by, relative to the meeting of the Convention,	474
NEW COUNTIES —Committee on,	229, 270
Report of select committee on, in relation, to Howard District,	254
Proceedings on,	271, 364
Report of select committee on, in relation to Allegany county,	321, 322
Proceedings on,	511, 512
Report of committee on, in relation to, Frederick and Washington counties,	567
NEW JERSEY —Communications from His Excellency the Governor of the State of,	148, 155
NEW YORK Communication from His Excellency the Governor of,	116, 117
Communication from the Secretary of State of,	164
NORTH CAROLINA —Communication from His Excellency the Governor of,	132

O.

OFFICERS OF THE CONVENTION —Committee ap-	
pointed to fix the compensation of,	78
Report of committee,	81
Proceedings on, 83, 84, 85, 86, 87, 92, 93	
Resolution to allow mileage to the,	760
Proceedings on,	760, 761
Resolution to allow each of the, fifty dol-	
lars extra,	772
Proceedings on,	773, 774
OHIO Communications from His Excellency	
the Governor of the State of,	144, 155
OHIO CONSTITUTIONAL CONVENTION —Communi-	
cation from the President of the,	155
O'NEAL, THOMAS H., AND GRAHAM, C. B. —Reso-	
lution in favor of,	605

P.

PARENT AND CHILD —Resolution relative to,	136
PARKE, JOSEPH M. , of Carroll county—Resolution by,	
in relation to the appointment of standing	
committees and their designation,	61, 62
Motions by, 62, 163, 205, 210, 213, 247, 252	
257, 260, 261, 295, 296, 394, 678, 704, 732	
Resolution by, to simplify pleadings, &c.,	113
Resolution by, relative to the absence of	
Mr. Ege,	156
Resolution by, to print on the Journal the	
proposed amendments to the report of the	
committee on the Declaration of Rights,	216
Resolution by, of a vote of thanks to the	
various officers of the Convention,	774
Resolution by, to publish the Constitution	
in each newspaper in the State,	776
PENNSYLVANIA —Communication from His Excellency	
the Governor of,	150

PHELPS, FRANCIS P., of Dorchester county—	Motions	
	by, 6, 24, 30, 35, 102, 118, 153, 163, 167, 173	
	178, 179, 182, 183, 208, 241, 252, 253, 271	
	274, 275, 296, 300, 313, 331, 338, 342, 343	
	441, 445, 448, 460, 488, 489, 490, 491, 514	
	522, 524, 554, 556, 582, 671, 688	
	Resolution by, to appoint a committee of seven, to prepare and report rules for the government of the Convention,	38
	Report by, from the committee on rules,	51
	Resolution by, to furnish the members with newspapers,	56
	Resolution by requesting the Register in Chancery, to inform the Convention of the number of suits pending in the Chancery court, how many of them originated in each of the counties of this State, Howard District and the city of Baltimore; also in what year they were instituted, and the probable length of time required to decide them; provided the origination of new cases were prohibited by constitutional provisions,	57
	Resolution by, relative to biennial sessions of the Legislature,	90
	Resolution by, relative to a proper apportionment of Representation in both Houses of the General Assembly,	117
	Resolution by, relative to the basis of Representation in the House of Delegates,	159
	Appointed a member of the committee on Printing,	740
PLEADINGS	Resolution relative to simplifying, modifying or abolishing the system of,	60, 112, 113
PRESIDENT	Benjamin C. Howard appointed, pro tem.,	3
	Motions to elect a, viva voce,	5
	Proceedings on,	5, 6, 7
	Motion agreed to,	7
	The Convention proceeded to elect a,	7
	Proceedings in relation to the election of,	7, 8, 9
	11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23	
	24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36	
	37, 38	
	John G. Chapman, elected,	38
	Resolution to allow the, six dollars per diem,	736

PRESSTMAN, BENJAMIN C., of Baltimore city—	
Motions by,	6, 116, 163, 212, 214, 228, 231, 253 254, 326, 330, 338, 349, 360, 368, 398, 489 491, 724
Resolution by, relative to the organization of the Judicial Department,	76
Resolution by, instructing the committees on the constitution to report by articles, such propositions as are to be submitted by them, and that no argumentative report or written explanation shall be made on the subject by said committees,	87, 117, 119, 120
Resolution by, relative to jury trials,	149
Resolution by, relative to the Mayor and City Council of Baltimore,	149
Resolution by, relative to a permanent and uniform system of taxation,	160, 161
Resolution by, relative to Master and Slave,	211
Report of, from the committee on the Legislative Department,	222
Resolution by, relative to the rights and interests of parties to suits,	232
PROVISIONS PROPER TO BE EMBRACED IN A STATE CONSTITUTION—Committee	
on,	80
Resolutions referred to,	112
Committee discharged from the further consideration of petitions on the subject of the license laws, and the same referred to a select committee to be appointed by the chair,	333
Report of committee on,	369, 370
Report of committee relative to certain petitions asking to be discharged from the further consideration of the same,	376, 377
Report adopted,	377
PUBLIC DEBT—Resolution relative to the,	78
PUBLIC DEFAULTERS—Resolution to render ineligible to office,	98
PUBLIC WORKS—Resolution relative to a board of,	211
Report of committee No. 14, relative to,	248
Proceedings on,	495, 540, 541, 542, 544, 545 546, 547, 548, 549, 550, 551, 552, 553, 554
Report of Revisory committee on report of committee on,	669

R.

RAIL ROADS —Resolution relating to,	161
RANDALL, ALEXANDER , of Anne Arundel county—	
Motions by, 54, 57, 151, 175, 186, 189, 251, 253	
257, 260, 350, 442, 443, 487, 534, 538, 539	
629, 644, 675, 683, 685, 703, 710, 731	
Resolution by, to appoint standing committees and their designation,	54
Resolution by, relative to the appointment and tenure of office of members of the Convention under the new constitution,	97
Resolution by, to appoint the judges by a College of Electors,	98, 99
Resolution by, relative to the appointment of an Auditor of the Treasury,	120
Resolution by, relative to dividing the counties into separate election districts,	122
Resolution by, relative to persons hereafter naturalized,	141
Elected President pro tem.,	151
Resolution by, to have prepared for the use of the convention a synopsis of the relative increase of the slaves and free colored population of this State,	249
Report by, from the committee on Revision, in relation to Attorneys for the State,	653
Report of, from committee on revision containing certain proposed amendments to the report of the committee on the Legislative Department,	696
Resolution by, to print and circulate the constitution,	712
Excused from serving further on the committee on printing,	721
RECESS Resolution that the members and officers of the convention receive no per diem during,	146
Proceedings on,	146
Resolution relative to the per diem of members during the,	161
Proceedings on,	161
REGISTRY LAW —Resolution relating to a general,	82
REPORTERS —Resolution to accommodate,	94

REPORTING AND PRINTING—Committee on,	57
Report of committee on,	63, 64
Proceedings on report of committee,	79, 81 82, 87, 88, 91, 92, 108
Resolution that the committee on, be de- nominated the committee on Printing,	96
Resolution directing committee on, to em- ploy a competent person to report the pro- ceedings and debates of the convention,	131, 138 153
Report of committee on,	153
Proceedings on,	153, 154, 155, 163, 165, 166 167
Resolution authorizing committee on, to cause a suitable index to be made to the journal of proceedings on, and debates of the convention,	211
Proceeding on,	214
Resolution directing committee on, to have printed in pamphlet form, the various plans for a basis of representation in the House of Delegates,	400
Proceedings on,	502
Report of Committee on,	508
Resolution to appoint a committee on printing whose powers are to continue in force after the adjournment of the conven- tion, &c.,	752, 753
REPORTS OF STANDING COMMITTEES—On the	
Elective Franchise,	141, 142
On the Executive Department,	170
On the Declaration of Rights,	174, 223, 224 225, 226, 227, 228
On the Legislative Department,	213, 218, 219 221, 222
On the Treasury Department,	234, 235
On the Judiciary Department,	261, 262, 263 264, 265, 266, 267, 268, 269, 270
On the Attorney General and his Depu- ties,	280, 281
On a proper basis of representation in the two Houses of the General Assembly, and a proper apportionment of, &c.,	281, 282
Minority report,	284, 285

REPORTS OF STANDING COMMITTEES—

On Education,	317
Minority report on, 408, 409, 410, 411, 412 413, 414	
On Future Amendments and Revisions of the constitution as are not embraced in, &c.,	505
On Revision, 653, 769, 770, 771, 772, 773, 776 777, 778, 779	
On Militia and Military Affairs,	605, 606
On the power of the Legislature, &c.,	653

REPORTS OF SELECT COMMITTEES—On Rules, 51
On Reporting and Printing, 63, 64, 153, 508
509

Of twenty-one, to enquire and report on the best method to bring before the Conven- tion the forms and provisions of a new con- stitution,	65, 66
On Credentials,	81, 89
On the propriety of expressing the sense of the convention upon the adjustment mea- sures, &c.,	127, 128
On the preparation of a map,	174, 175
On the expediency of discharging some of the doorkeepers and committee clerks,	396, 397 398
On Free Colored Population, 496, 497, 498 499, 500, 501, 502, 503, 504, 505	
On New Counties,	567
On the requisition of the Governor of Pennsylvania,	567, 568

REPRESENTATION.—Committee on,	80
Resolutions referred to committee on, 95, 96 117, 122, 123, 124, 125, 132, 148, 149, 209, 259 280, 324, 325, 326, 327	
Report of committee on,	132, 281
Proceedings on the several reports of the committee on, 133, 139, 207, 208, 209, 211 212, 213, 215, 216, 217, 427, 428, 429, 430 431, 432, 433, 434, 435, 436, 437, 440, 441 442, 443, 445, 446, 447, 448, 449, 450, 451 452, 453, 454, 461, 462, 463, 464, 465, 466 467, 468, 469, 470, 571, 472, 473, 476, 477 478, 479, 480, 481, 482, 483, 484, 485, 486 487, 488, 489, 490	

REPRESENTATION—

Report of minority committee on,	284
Resolution relative to, in the Legislature,	324
Proceedings on,	324, 325, 326, 327
Resolution to have printed in tabular, form, the various plans of, for a basis of,	400
Resolution fixing a day to vote on the va- rious motions, propositions, &c. touching the subject of,	438
Proceedings on,	438, 439, 445, 447

REQUISITION OF THE GOVERNOR OF PENN-
SYLVANIA—Committee on,

Report of committee on,	567, 568
-------------------------	----------

RESOLUTION—By Mr. Annan, to terminate debate on
the report of the Judiciary committee,

By Mr. Bell, prohibiting the Legislature from creating debts for Works of Internal Im- provements, &c.,	75
Relative to education,	96
Relative to the per diem of absent mem- bers,	161
To elect Supervisors of Roads by the people,	677
By Mr. Biser, relative to the Judiciary,	100
To abolish religious test as a qualification for office,	117
To appoint a committee to make suitable arrangements of seats, &c.,	248
By Mr. Blakistone, to appoint a committee of Twenty-One,	51
Relative to the compensation of officers of the Convention,	87
Relative to the Elective Franchise,	136
Relative to the rights of married women, &c.,	136
Relative to parent and child,	136
To print amended rules,	207
To furnish Editors of Newspapers with copies of the Journal,	216

RESOLUTION—

By Mr. Bowie, to rescind the order adopted to elect a President of the Convention viva voce,	28
To appoint officers of the Convention,	39
To appoint Sergeant-at-Arms, and other officers of the Convention,	45
To appoint Committee Clerks to the con- vention,	48
Relative to reforms in the Judiciary,	133, 134 135, 136
To attend the inauguration of the Gover- nor elect,	162
By Mr. Brent, Robert J., in relation to the election of a President of the Convention,	31, 34
To appoint a committee on Credentials, &c.,	43
Relating to standing committees reporting before 1st of January, &c.,	130
To enter on the Journal the names of absent members,	180
To rescind 17th rule,	200
To amend the standing rules,	203, 206, 207
Relative to the Furnace,	214, 215
To adjourn, to allow the Furnace to be be repaired,	223
Requiring Rail Roads and Canal Com- panies to establish a uniform price or rate of toll,	492
To limit debate on the Judiciary report to half an hour,	556
By Mr. Brown, to adopt the rules of the last House of Delegates, as the rules of the con- vention,	25
To appoint standing committees,	60
To stop, per diem during the recess,	146
That committee clerks add up the cen- sus returns,	177
To restrict debate on judiciary report,	639, 687
By Mr. Buchanan, to elect certain officers of the convention,	39
To appoint committees,	53
Relative to the arrangement of the judicial districts,	112

RESOLUTION—

By Mr. Buchanan, to prevent commingling of judges of county court and Court of Appeals,	112
By Mr. Carter, relative to the foreclosure of Mortgages,	98
Relative to school fund,	100
By Mr. Chambers, Ezekiel F., relative to the election of President of the convention,	35
Declaring John G. Chapman, president of the convention,	38
Relative to adjournment,	90
'To appoint a committee on the propriety of expressing the sense of the convention upon the adjustment measures passed by congress &c.,	96
Relative to committee on printing,	170
Relative to taxing persons out of the State,	214
In favor of Thomas H. O'Neal and E. B. Graham,	605
To distribute the maps to the members and officers of the convention,	605
By Mr. Chandler, to provide a more speedy mode of collecting debts in courts of law,	77
Relative to the observance of thanksgiving day by the convention,	80
Relative to corporations,	153
Of thanks to the Hon. A. Randall,	156
Relative to duelling,	169
By Mr. Colston, to make Ministers of the Gospel eligible to a seat in the legislature,	171
By Mr. Constable, to wait on the Rev. Clergy,	10
Relative to the last assessment of property &c.,	55
By Mr. Dashiell, relative to the basis of representation, &c.,	95
By Mr. Davis, to appoint a Chaplain to the convention,	10
'To instruct the committee of twenty-one,	55
'To tax free negroes,	109
Relative to the power of the legislature on corporations,	117, 118
'Tendering the use of the Hall to the Rev. Thomas L. Hamner,	142

RESOLUTION

By Mr. Davis, to punish by fine and imprisonment members of Congress, &c., for receiving fees,	149
To enter on the journal, that Mr. Chichester is detained at home by indisposition,	151
To establish a school or college,	168
In favor of the Rev. Mr. Griffith and the Rev. Mr. Graff,	700, 701
By Mr. Dennis, John, to accommodate Reporters with seats,	94
By Mr. Dennis, James U., asking information of the Governor relative to criminal offences,	82
By Mr. Dent, to abolish special pleading,	60
Relative to the Elective Franchise,	94, 95
To adjourn until 30th of December,	121
Relative to misdemeanors,	140, 141
Relative to free colored population,	141
By Mr. Dickinson, to make stockholders in Banks liable,	112
By Mr. Dirickson, to appoint a committee on the expediency of simplifying pleadings, &c.,	60
To abolish the system of appointing Inspectors,	119
Relative to printing debates,	167
To enter on the Journal the vote of Messrs. John Lee, of Kent, and L. L. Dirickson,	215
By Mr. Donaldson, asking information of the commissioners of Lotteries,	62
Of enquiry of the State Treasurer,	136, 137, 138
By Mr. Dorsey, to create an office to be called the State's Agent,	118, 119
To elect Governor by an Electoral, College,	139, 140
To prevent the Governor from releasing interest on debts for taxes,	152
Relative to the attendance of members of the convention,	181
By Mr. Eccleston, relative to the compensation of officers of the convention,	78
Relative to call of future conventions to alter the constitution,	145

RESOLUTION—

By Mr. Ege, to restrict the Legislature in creating public debts,	76
To alter the mode of selecting jurors,	78
Relative to the compensation of Judicial officers,	109
To apply all the University, College and Academic appropriations made by the State to a general school fund,	123
Relative to basis of Representation in the Legislature,	132
By Mr. Fiery, relative to codification of the laws,	61
To fix the compensation of the Executive,	78
Relative to the time of holding elections,	121
To hold evening sessions,	192
By Mr. Fitzpatrick, to establish a Board of Public Works,	83
To reduce the number of Judges, &c.,	83
Relative to Banks,	102
In favor of William Cook,	145
By Mr. Fooks, relative to the qualification of voters,	102
By Mr. Grason, to furnish members with newspapers,	56
In favor of William Glover,	145
To allow President of the Convention six dollars per diem,	736
By Mr. Gwinn, relative to the mode of proceeding in the election of President,	31
To appoint standing committees,	52
Of inquiry of the clerks of the several counties and registers of wills as to the gross receipts of their offices, &c.	55
That the secretary keep a calander of matters referred to the committee of the whole,	63
Referring the propositions relating to representation and to the division of the State into election districts, to a committee of the whole;	68
Relative to the division of the State, into election districts,	69
Of inquiry of the Governor, as to the number of pardons and nolle prosequies granted since the year 1838,	75
To restrict the Legislature in granting acts of incorporation,	98

RESOLUTION—

By Mr. Gwinn, to stop debate,	199
To meet at 10 o'clock,	293
Relative to qualifications of members to a seat in the Convention,	99
Relative to representation in the Legislature,	122
That committee on Representation report,	136
To suspend the order as to new matter, to permit the Revisory committee to add a section to the Judiciary report,	762
By Mr. Harbine, of thanks to the Hon. Benjamin C Howard, President pro. tem., of the convention,	45
Relative to apportionment of representation in the Legislature,	73
Relative to quarterly sessions of court of law,	145
Relative to the absence of Mr. Michael Newcomer,	177
By Mr. Hardcastle, that the convention adjourn until the first Monday in January,	112
By Mr. Hearn, to enter on the journal that Mr. Jacobs, is detained from his seat by indisposition,	177
By Mr. Hicks, appointing 10 o'clock, P. M., for the meeting of the convention,	76
To allow the Eastern Shore to separate from the Western Shore,	140
By Mr. Hodson, to prevent the Legislature from creating debt or borrowing money for internal improvement,	183
By Mr. Hollyday, relative to bribery,	82
Requiring a tax to be laid at the same time that appropriation is made by the Legislature for any works of internal improvement,	119
By Mr. Howard, Relative to representation in the house of delegates,	288
To fix a day to vote on the various articles and amendments touching representation,	438
Authorizing the President of the Convention to dismiss either or both of the door-keepers,	533

RESOLUTION—

By Mr. Howard, that after the 10th inst. no article, or section of the proposed constitution shall be adopted or considered, and no article adopted reconsidered, &c., 697

Of thanks to the Hon. John G. Chapman
President of the Convention, 751

By Mr. Jacobs, to prevent the Legislature from appropriating any money out of the public Treasury, except for expenses of government, until the State debt shall have been paid, 83

Relative to the distribution of the revenue of works internal improvement, among the several counties and cities of the State, after the payment of the State debt, 83

Relative to free negroes, 108

By Mr. Jenifer, to adjourn sine die, 15

'I hat each member resign his seat, or the Convention adjourn sine die, 23

To elect a President without nomination, and without regard to political parties, 24

To entertain no motion to adjourn until a President is elected, 29, 30

To appoint a committee to enquire and report what method will be most expedient to bring before the convention amendments to the constitution of the State, 38

To appoint committees, &c., 54, 55

To employ a competent reporter, 131, 138

Relative to master and slave, 153

Relative to printing, 167

To stop debate on the report of the committee on the Elective Franchise, 186

To appoint a committee from each Governoratorial district to take into consideration the question of representation, &c., 483

By Mr. Johnson, requesting the President of the convention to communicate with the Secretary of the Interior, relative to the census of Maryland, 63

Relative to the support of Free School Education, 71

Relative to basis of representation in the General Assembly, 72, 73

RESOLUTION —

- By Mr. Johnson, that the constitution be signed
by the President and Secretary of the con-
vention, &c., 758, 759
- By Mr. Kilgour, of inquiry of the Secretary of the
Interior, relative to the census of Maryland, 64
- Relative to abolishing imprisonment for
debt, 74
- Relative to the compensation of officers of
the Convention, 92
- By Mr. Lee, relative to a capitation tax, 98
- By Mr. McCubbin, to allow extra compensation to
each of the officers of the Convention, 772, 773
774
- By Mr. McHenry, to appoint standing committees
on the constitution, 53
- Relative to the Legislative Department, 73, 122
- To embody certain features in the Decla-
ration of Rights, 110
- Relative to the Executive Department, 120
- To terminate debate on the report of the
committee on the Elective Franchise, 194, 195
199
- To terminate debate on the article of the
constitution reported by the committee on the
Attorney General, 420
- To allow mileage to the officers of the
convention, 960
- By Mr. McMaster, to dispense with the system of
voting viva voce in the election of President
of the Convention, 20
- That the Convention meet at 11 o'clock,
A. M., 76
- Relative to the Legislative Department, 109
- By Mr. Magraw, relative to the per diem of officers
and members of the Convention, to employ
Reporters; to print proceedings and debates
of the convention, &c., 92
- In relation to the cost of the preparation
of a map for the use of the convention, 172
- To appoint a committee to make altera-
tions in the Hall of the convention, 229
- To appoint a committee to examine the
record of the Journal of proceedings, &c., 611

RESOLUTION—

By Mr. McLane, relative to the organization of the Judiciary Department; the election of Judges by the people, &c.,	93, 94
By Mr. Merrick, relative to the Legislative Department,	124, 125, 126
To establish a Board of Public Works,	211
By Mr. Miller, relative to damages by a jury,	101
Relative to corporations,	101
By Mr. Mitchell, to abolish voting by ballot, and substitute viva voce,	95
Relative to alterations in the Hall of the Convention,	238
In favor of James Brantzell,	653
By Mr. Neill, of inquiry of the clerks of the courts of Appeals of the Eastern and Western Shores,	59
Of inquiry of the State Treasurer,	63
To exempt persons conscientiously scrupulous of bearing arms, from Military service,	142
In favor of John W. Rider,	740
By Mr. Newcomer, John, relative to compensation of members of the Legislature,	99
To take a recess,	109
Of thanks to the Hon. James M. Buchanan,	770
By Mr. Newcomer, Michael, that no county or city shall send more than one Lawyer to the Legislature,	108
Relative to the appointment of Inspectors,	170
Relative to the meeting of the convention,	474
By Mr. Parke, in relation to the appointment of standing committees and their designation,	61, 62
To simplify pleading,	113
Relative to the absence of Mr. Ege,	156
To print on the Journal the proposed amendments to the report of the committee on the Declaration of Rights,	216
Of a vote of thanks to the various officers of the Convention,	774

RESOLUTION—

By Mr. Parke, to publish the constitution in each newspaper in the State,	776
By Mr. Phelps, to appoint a committee to prepare and report rules for the government of the convention,	38
To furnish members with newspapers,	56
Of inquiry of the Register in Chancery,	57
Relative to biennial sessions of the Legislature,	90
Relative to apportionment of Representation in both branches of the Legislature,	117
Relative to basis of Representation in the House of Delegates,	159
By Mr. Presstman, relative to the organization of the Judicial Department,	76
Instructing committees to report by articles, and not to accompany reports with written explanations,	87
Relative to jury trials,	149
Relative to Mayor and City Council of Baltimore,	149
Relative to a permanent and uniform system of transaction,	160, 161
Relative to Master and Slave,	211
Relative to the rights and interests of parties to suits,	232
By Mr. Randall, to appoint standing committees and their designation,	54
Relative to appointment and tenure of office under the new constitution,	97
To appoint Judges by a College of Electors,	98, 99
Relative to the appointment of an Auditor of the Treasury,	120
To divide counties and separate election districts,	122
Relative to persons hereafter naturalized,	141
To have prepared for the use of the convention, a synopsis of the relative increase of the slaves and free colored population of this State,	249
To print and circulate the constitution,	721

RESOLUTION—

By Mr. Ricaud, that no motion shall be in order, except a motion to vote viva voce for President, until a President shall be elected, &c.,	28
To appoint a committee on Accounts, and a clerk to said committee,	48
Instructing committee on the appointment of committees,	55
Appointing 12 o'clock, M., for the meeting of the convention,	62
Relative to compensation of officers of the convention,	78
Relative to distribution of copies of debates of convention,	678
By Mr. Ridgely, relative to the election of a President of the convention,	34
To print additional copies of the daily journal, for the use of the convention,	43
Relative to courts,	109
To transmit journals and registers of debates, to members of the convention,	722
To appoint a committee to contract for the publication of 50,000 copies of the constitution,	775
By Mr. Sappington, to prevent the Legislature from passing supplements to laws,	77, 78
To discharge some of the doorkeepers and committee clerks,	384
By Mr. Schley, asking information of the clerks of the courts of appeals,	62
To abolish the High Court of Chancery, &c.,	77
To prevent the Legislature from granting divorces; and to secure the property of the wife,	78
By Mr. Sellman, to suspend voting for a permanent presiding officer, and to proceed to select by ballot committees therein designated,	29
That the resolutions offered by him on the 11th inst., in reference to the organization of the Convention be referred to the general committee raised this morning,	55

RESOLUTION—

- By Mr. Sellman, to give the Senate power to amend money bills, 111
- Denying to either branch of the General Assembly power to originate any bill or resolution three days prior to adjournment, 138
- Asking information of the State Treasurer relative to the amount of money expended in the erection of warehouses in the city of Baltimore, &c., 306
- By Mr. Sherwood, George W., to appoint an efficient Reporter of the Proceedings and Debates of the convention, 44
- To prevent the circulation of small notes under the denomination of five dollars, 73
- That the committee clerks record such resolutions as are referred to the committees, 103
- By Mr. Shriver, to fix the per diem of officers of the convention, 83
- Relative to fees paid the Attorney General and his Deputies, 101
- By Mr. Smith, of inquiry of the State Treasurer, relative to the free school fund, 72
- Of inquiry of the State Treasurer, relative to the free school fund, 77
- Relative to annual sessions of the Legislature, 109
- To divide Allegany county, and form a new county to be called "McHenry county," 140
- Relative to Rail Road charters, 161
- To establish a uniform system of levy courts, 172
- To have printed for the use of the convention, in one tabular form, the various plans for a basis of representation, 400
- By Mr. Sollers, to appoint a committee of six for the purpose of considering and reporting some plan for the organization of the convention, 25, 28
- To appoint a committee of twenty-one, to take into consideration the mode of conducting the business of the convention, 29
- To appoint a committee to alter and amend the rules, so as to facilitate business, 290
294

RESOLUTION—

- By Mr. Sollers, requesting the Governor to transmit to the convention all papers and documents relative to the requisition of James S. Mitchell, by the Governor of Pennsylvania, 567
568
- By Mr. Spencer, that a majority of all the votes cast, shall be necessary for the choice of a President, 7
- Requesting the clerk of Baltimore county, to furnish the convention with a statement of the amount of money paid to each of the judges of said court, under the act of 1828, ch. 161, and the several supplements thereto, 51
- Relative to the Judiciary, 107, 108
- To take from the Governor the power to grant a nolle prosequi or pardon in cases of bribery, 121
- To appoint a committee on Printing, whose powers are to continue in force after the adjournment of the convention, &c., 733
752, 753
- By Mr. Sprigg, relative to the Elective Franchise, 77
- Relative to master and slave, 109
- To print one thousand and fifty copies of the report of the committee of twenty-one on the adjustment measures, 129, 130
- Relative to annual sessions of the Legislature, 148, 149
- Relative to the Executive Department, 175
- In favor of George S. King, William Hall and Samuel Peacock, 761
- By Mr. Stephenson, relative to a codification of the laws, 76
- To prevent the State becoming part owner of the stock or property of any corporation, 96
- To make public defaulters ineligible to office, 98
- To settle differences by arbitration, 100, 101
- To divide the counties into wards or townships, and to elect Justices of the peace and Constables by the people, 112
- Relative to future changes of the constitution, 138, 139

RESOLUTION—

- By Mr. Stephenson, to impose restrictions upon the
 Legislature in granting charters, 143
 Relative to the imposition of fees, 153
 Relative to Charters, 229, 232, 233
 To meet at 10 o'clock, A. M.,
 To hold two sessions of the Convention
 in one day, 520
 Of thanks to the Hon. William J.
 Blakistone, 772
- By Mr. Stewart, David, to have the proceedings and
 debates of the convention reported, and to
 inquire and report to the convention the cost
 of the same, 44
 Requesting the United States Marshal for
 Maryland District to furnish the census of
 Baltimore city and the counties of this State
 and of Howard District, 44
 To authorise foreigners to acquire and
 alienate real estate, 122
 To simplify the forms of conveyance of
 personal and real estate, 122
 To provide for a more perfect supervision
 of the University of Maryland in the city of
 Baltimore, 122
 In favor of Printers to the Convention, 206
- By Mr. Stewart, Thomas R., to send a copy of the
 report of the committee of Twenty-One, on
 the subject of the Union, to the President of
 each of the conventions of other States now
 in session, 138
 Relative to the per diem of absent mem-
 bers, 161
- By Mr. Thawley, to rescind the resolution relative
 to printing extra Journals, 214, 215, 216
- By Mr. Thomas, relative to preparation of a map
 for the use of the convention, 476
 That after the several reports of the com-
 mittee of Revision shall have finally been
 acted upon, the constitution shall be signed
 by the President of the convention and
 attested by the Secretary and published, &c., 763
- By Mr. Tuck, that the Convention assemble at 10½
 o'clock, A. M., 42

RESOLUTION—

By Mr. Tuck, relative to the cost per page of reporting the proceedings and debates of the convention in quarto form, &c.,	91
To confer on the county courts the appointment of Justices of the Peace, Constables, &c.,	94
Relative to printing,	96
To call on the Governor for a list of civil officers of Executive appointment,	101
Relative to the appointment of the Attorney General and Deputies,	145
Relative to an index to journal and debates,	211, 214
Relative to bail,	145
To appoint a committee of Revision,	701
To adjourn sine die,	768
By Mr. Ware, to enter on the Journal that Mr. Sherwood is detained from his seat by indisposition,	161
By Mr. Waters, to enter on the Journal that Mr. Davis has been called home by indisposition of his family,	730
By Mr. Weber, relative to duelling,	96
To establish the office of Comptroller of the Treasury,	101
To print on the Journal all reports of articles for the constitution, and all proposed amendments,	216
To stop the per diem of absent members,	152
By Mr. Weems, to rescind the resolution to elect a President viva voce,	35
To increase the number of Tobacco Inspectors and elect them by the people,	121
Relative to free negroes,	149
By Mr. Wells, to elect State Treasurer by a concurrent vote of both branches of the Legislature,	100
Asking information of the clerks of the Court of Appeals of the Eastern and Western Shores,	111
To create Howard District into a new county, styled Howard county,	124

RESOLUTION—

By Mr. Wells, prohibiting members of the Legislature from engaging as counsel in the prosecution of claims before the General Assembly,	138
In favor of Benjamin Hopkins,	624
In favor of State Librarian,	740
By Mr. Welch, relative to Militia duty,	563
By Mr. Williams, requesting the State Treasurer to furnish each member of the convention with a copy of his annual report,	214
By Mr. Wright, relative to the salary and future residence of the Executive,	101, 102

REVISION

Resolution to appoint a standing committee of, to whom shall be referred all articles of the constitution, after they shall have been passed upon by the Convention,	509, 510, 511
Committee of, appointed,	516
Report of committee on, in relation to attorneys for the State, in each county and the city of Baltimore,	653
Report of committee on, relative to Board of Public Works,	769
Report of committee on, relative to the Elective Franchise,	770
Report of committee on, relative to Legislative Department,	771
Report of committee on, relative to the Treasury Department and New Counties;	772
Report of committee on, relative to articles in regard to Wreck-masters and Surveyors,	772
Report of committee on that part of the Legislative Department, relating to Banks,	773
Report of committee on the article in relation to authorising private property to be taken for public use,	773
Report of committee on the article that corporations may be formed under general laws, but shall not be created by special act except for municipal regulations,	773
Report of committee on, of certain amendments to the report of committee on the report of committee on Lotteries,	773
Report of committee on, relative to Militia report of committee on, relative to Land Office,	773

REVISION	Report of committee on, relative to the Librarian,	773
	Report of committee on future amendments and revisions of the constitution,	773
	Report of committee on certain amendments to the report on the Judiciary,	776, 777
	Report of certain amendments to the report of the Legislative committee,	778
	Committee on, submitted an article in the constitution,	779
RHODE ISLAND—	Communication from His Excellency the Governor of,	148
	Report from the commissioner of public schools of the State of,	155
RICAUD, JAMES R., of Kent county—	Motions by, 7, 29, 55, 59, 61, 75, 84, 92, 103, 114, 186, 193, 196, 199, 200, 206, 276, 313, 344, 359, 434, 526, 602, 643, 663, 710, 726	
	Resolution by, that no motion shall be in order except a motion to vote viva voce for President, until a President shall be elected, except, &c.,	28
	Resolution by, to appoint a committee of five, on Accounts, and a clerk to said committee,	48
	Resolution by, directing the committee on the appointment of committees to take into consideration the propriety of sub-dividing the matter of the Judiciary into three committees, so as to embrace one on the appointment of separate Appellate Court, one on the system of county courts, and a third on the courts of equity and orphans' courts, with a view of consolidating those two systems,	55
	Resolution by, appointing 12 o'clock, M., for the meeting of the convention,	62
	Resolution by, relative to the compensation of officers of the convention,	78
	Report by, from the select committee on Rules,	305
	Resolution by, relative to the distribution of copies of debates,	678
RICHARDSON, CHARLES—	Communication from,	132

RIDGELY, JAMES L., of Baltimore county—Motions by,
 16, 21, 43, 44, 74, 91, 108, 115, 124, 152, 180
 198, 243, 244, 247, 250, 297, 314, 315, 318
 331, 340, 344, 348, 350, 351, 367, 368, 591
 595, 597, 609, 664, 714, 775

Resolution by, in reference to the election
 of president of the convention, 34

Resolution by, to print additional copies
 of the daily journal, for the use of the con-
 vention, 43

Resolution by, relative to the arrangement
 of Judicial Districts, 72

Resolution by, declaring the sinking fund,
 set apart for the extinguishment of the State
 debt, inviolate, 78

Resolution by, relative to courts, 109

Petitions of, sundry citizens of Baltimore
 county, against the sale of intoxicating li-
 quors, presented by, 526, 545

Resolution by, to transmit registers of de-
 bates and journals of the convention to mem-
 bers of the convention, 722

Resolution by, to appoint a committee to
 contract for the publication of 59,000 copies
 of the constitution, 775, 776

RULES—

Committee on, 38

Report of committee on, 51

Proceedings on, report of committee on, 51
 57, 58, 59, 61

Motion to amend 17th rule, 186, 187

Motion to amend the 23rd rule, 187

Proceedings on, the motion to amend, 189
 191, 420

Proceedings on, 191, 192

Resolution to print the, as amended for the
 use of the convention, 207

Motion to change the 17th rule and re-
 scind the 29th rule, 216

Proceedings on, 217, 218

Resolution to appoint a committee to con-
 sider what alterations and amendments can
 be made on the, 290, 294

Committee to revise the, 294

Report of select committee to revise the,	305
Proceedings on,	313
Motion to amend the 22nd rule,	328
Proceedings on,	335, 407, 416

S.

SAPPINGTON, JOHN, of Harford county—Resolution by, to prevent the legislature from passing supplements to laws,	77, 78
Motions by, 173, 392, 398, 416, 423,	606
	619
Resolution by, to discharge some of the doorkeepers and committee clerks,	384
Report of, from the select committee appointed to enquire whether or not it would be expedient to discharge some of the committee clerks and doorkeepers,	396, 397
SCHLEY, GEORGE, of Washington county—Motions by,	
58, 83, 84, 143, 196, 258, 297, 299, 303,	309
424, 425, 428, 429, 432, 544, 550, 551,	593
	626, 600, 681, 719
Resolution by, asking information of the clerks of the courts of Appeals,	62
Resolution by, to abolish the High Court of Chancery, the present mode of taking testimony in equity causes, to provide inferior tribunals of uniform jurisdiction, to exempt a reasonable amount of property real and personal from seizure or sale for debt, to revise and simplify the rules of practice, pleadings, &c.,	77
Resolution by, that no divorce shall be granted by the legislature, that real and personal property of the wife before marriage and aquired afterwards, shall be her seperate property, that private property shall not be taken for public debt, without just compensation,	78
SCRIPTURES—Resolution to make the, a standard book in public schools,	117

SECRETARY OF THE INTERIOR—	Resolution of	
	enquiry of, relative to the census,	63
	Resolution of inquiry of the,	64
	Communication from the,	66, 67
SECRETARY—	James L. Ridgely, appointed pro. tem.	
	the convention proceeded to the election of	
	a, and assistant,	39
	Proceedings in relation to the election of,	39
		40, 41, 42
	George G. Brewer, elected and Washing-	
	ton B. Chichester, assistant,	42
SELLMAN, JOHN S., of Anne Arundel county—	Resolution	
	by, to suspend voting for a permanent pre-	
	siding officer, and to proceed to select by bal-	
	lots, committees therein designated,	29
	Motions by,	55, 290, 354, 513
	Resolution by, that the resolutions offered	
	by him on the 11th inst., in reference to the	
	organization of the convention be referred	
	to the general committee raised this morn-	
	ing,	55
	Resolution by, to give the Senate power	
	to amend money bills,	111
	Resolution by, denying to either branch	
	of the Generally Assembly, power to origi-	
	nate any bill or resolution three days prior	
	to adjournment,	138
	Resolution by, asking information of the	
	State Treasurer, relative to the amount of	
	arrears of interest on taxes remitted by the	
	Executive,	153
	Resolution by, asking information of the	
	State Treasurer, relative to the amount of	
	money expended in the erection of Ware-	
	houses in the city of Baltimore, &c.,	306
SHERWOOD, GEORGE W., of Baltimore city—	Resolu-	
	tion by, to appoint an efficient reporter of	
	the proceedings and debates of the Conven-	
	tion,	44
	Resolution by, to prevent the issue and	
	circulation of small notes under the denomi-	
	nation of five dollars,	73
	Motions by,	95, 435
	Resolution by, that committee clerk's re-	
	cord, such resolutions as are referred to the	
	committee,	103

SHERWOOD, GEORGE W., of Baltimore city—

Petition of sundry citizens of the city of
Baltimore, against the sale of intoxicating
liquors; presented by, 474

**SHOWER, JACOB of Carroll county—Motions by, 278, 290
430, 435, 445, 448, 460****SHRIVER, EDWARD, of Frederick county—Motions by, 43
84, 146, 177, 190, 193, 194, 299, 327, 345, 350
371, 421, 422, 423, 424, 476, 482, 511, 536, 559
592, 600, 601, 643, 671, 682, 743, 748, 760, 761**

Resolution by, fixing the per diem of the
officers of the Convention, 83

Resolution by, relative to fees paid the At-
torney General and his deputies, 101

Report of, chairman of the committee on
the Attorney General, 280, 281

Petition of sundry citizens of Frederick
county, against the sale of intoxicating li-
quors, presented by, 474

Petition of sundry citizens of Frederick
and Washington counties, against the forma-
tion of a new county, 567

Petition of sundry citizens of the State
against the sale of intoxicating liquors, pre-
sented by, 585

**SMITH, SAMUEL P., of Allegany county—Motions by, 70, 82
141, 154, 162, 181, 186, 299, 317, 393, 422, 440
481, 511, 714**

Resolution by, asking information of the
State Treasurer relative to the Free School
Fund, 72

Resolution by asking information of the
State Treasurer, relative to the School Fund 77

Resolution by, relative to annual sessions
of the Legislature, 109

Resolution by, to divide Allegany county
and form a new county, to be called McHenry
county, 140

Resolution by relative to rail road charters, 161

Resolution by, that the Convention meet
at 10 o'clock, A. M., 162

Resolution by, to establish a uniform system
of Levy Courts, 172

Report by, from the committee on Educa-
tion, 317

SMITH, SAMUEL P., of Allegany county—

Report by, from the select committee on
New Counties, 321, 322

Resolution by, to have printed for the use
of the Convention in one tabular form, the
various plans for a basis of representation, 460

SOLLERS, AUGUSTUS R., of Calvert county—Motions

by, 24, 25, 26, 27, 30, 166, 173, 185, 191, 200
201, 207, 256, 290, 331, 362, 383, 385, 386, 387
460, 462, 465, 470, 472, 494, 528, 534, 537, 540
566, 568, 689, 692

Resolution by, to appoint a committee of
six, for the purpose of considering and report-
ing some plan for the organization of the
Convention, 25, 28

Resolution by, to appoint a committee of
21, to take into consideration the mode of
taking up and proceeding in the business of
the Convention, 29

Resolution by, to appoint a committee to
alter and amend the rules so as to facilitate
business, 290, 294

Resolution by, requesting the Governor to
to transmit to the Convention all papers and
documents, relative to the requisition of James
S. Mitchell, by the Governor of Pennsyl-
vania, 492

Report by, from the committee on the sub-
ject of the requisition of the Governor of
Pennsylvania upon the Governor of this
State, 567, 568

SPENCER, WILLIAM A., of Queen Anne's county—Re-

solution by, that a majority of all the votes
cast should be necessary for the choice of a
President, 7

Motions by, 24, 32, 41 44, 45, 46, 47, 49, 50
105, 148, 196, 197, 201, 209, 211, 212, 214, 239
242, 243, 258, 261, 273, 274, 276, 277, 278, 288
291, 292, 293, 295, 300, 301, 302, 303, 313
315, 318, 324, 326, 361, 362, 365, 368, 369, 377
378, 383, 387, 388, 417, 419, 423 551, 555, 556
559, 561, 577, 582, 590, 591, 595, 596, 598, 618
619, 625, 626, 627, 628, 630, 634, 664, 666, 667
670, 671, 679, 691, 694, 715, 716, 722, 727, 731
743, 748, 752, 754 757, 759

Resolution by, requesting the clerk of Bal-
timore county court to furnish the Conven-

- SPENCER, WILLIAM A.**, of Queen Anne's county—
 tion with a statement of the amount of money
 paid to each of the judges of said court, under
 the act of 1828, chap. 161, and the several
 supplements thereto, 51
 Resolutions by, relative to the Judiciary, 107
 108
 Resolution by, to take from the Governor
 the power to grant a nolle prosequi or pardon
 in cases of bribery, 121
 Resolution by, appointing a committee on
 Printing, whose powers are to continue in force
 after the adjournment, &c., 733, 752, 753
- SPRIGG, SAMUEL.**, of Prince George's county—Motions
 by, 3, 74,, 152, 272, 296, 297, 298, 299, 300
 301, 302, 314, 370, 493, 494, 521, 523
 Resolution by, relative to the Elective
 Franchise, 77
 Resolution by, relative to master and slave, 109
 Resolution by, to print one thousand and
 fifty copies of the report of the committee of
 "twenty-one," 129, 130
 Resolution by, relative to annual sessions
 of the Legislature, 148, 149
 Resolutions by, relative to the Executive
 Department, 156, 157, 158, 159, 160
 Report of, from the committee on the
 Executive Department, 175
 Resolution by, in favor George S. King,
 William Hall and Samuel Peacock, 761
- STEPHENSON, WILLIAM B.**, of Harford county—Reso-
 lution by, to appoint Commissioners to re-
 duce into a written and systematic form or
 code the statute laws in force in this State, 76
 Resolution by, to make public defaulters
 ineligible to any office of trust, or profit, 95
 Resolution by, to prohibit the Legislature
 hereafter from passing any law, making the
 State part owner of the stock or property of
 any corporation, 96
 Resolution by, to prevent Banks suspend-
 ing specie payments, 99, 100
 Resolution by, to settle differences by ar-
 bitration, 100, 101

STEPHENSON, WILLIAM B., of Harford County —

Resolution by, to divide the counties into wards or townships, and to elect Justices of the Peace and Constables by the people, &c., 112

Resolution by, relative to future changes of the Constitution, 138, 139

Resolution by, imposing restrictions upon the Legislature in granting charters, 143

Resolution by, relative to the imposition of fines, 153

Motions by, 166, 167, 185, 192, 230, 238, 252, 298, 300, 351, 449, 450, 470, 482, 506, 514, 520, 537, 579, 663, 667, 672, 674, 675, 684, 689, 693, 701, 719, 740, 764, 765

Resolution by, relative to charters, 194

Resolution by, to meet at 10 o'clock, A. M. 229, 232, 233

Detained from his seat by indisposition, 302

Resolution by, that the convention hold two sessions in one day, 520

Resolution of thanks by, to the Hon. William I. Blakistone President, pro tem., 772

STEWART, DAVID., of Baltimore city—Motions by, 24, 40, 57, 64, 69, 116, 119, 170, 241, 293, 294, 302, 312, 424, 465, 493, 579, 631, 634, 662, 669, 686, 744, 749, 752, 754, 757

Resolution by, to have the proceedings and debates of the convention reported, and to appoint a committee to enquire and report to the convention the probable cost of the same, 44

Resolution by, requesting the United States Marshal for Maryland District to furnish the census of Baltimore city, and of the counties of this State and of Howard District, 44

Report of, from committee on reporting and printing, 63, 64

Resolution by, authorising foreigners to acquire and alienate real estate, 122

Resolution by, to simplify forms of conveyance of personal and real estate, 122

Resolution by, to prohibit Lottery grants, 122

Resolution by, to provide for a more perfect supervision of the University of Maryland in the city of Baltimore, 122

STEWART, DAVID., of Baltimore city—	
Report of, chairman of the committee on Printing,	153
Resolution by, in favor of the printers,	206
STEWART, THOMAS R., of Caroline county—Motions by, 10, 20, 61, 80, 81, 162, 186, 201, 292, 297, 298, 299, 301, 327, 331, 344, 356, 518, 701	
Resolution by, to send a copy of the report of the committee of "twenty-one," on the subject of the Union, to the President of each of the Conventions of other States now in session,	138
Resolution by, relative to the per diem of absent members,	161
SYKES, JAMES, and others—Petition of, praying that Howard District of Anne Arundel may be made a separate county,	228
Referred to a committee of five,	229

T.

TAXES	
Resolution to prevent the Governor from releasing interest on,	152
Proceedings on,	152
Resolution in relation to,	160, 161, 214
TEMPERANCE—Petition relative to,	259
To let the Hall for the cause of,	270
THAWLEY, JOHN, of Caroline county—Motions by, 214, 347, 351, 510, 672, 694, 753, 760, 761, 764	
Resolution by, to rescind the resolution relative to printing extra journals, 214, 215, 216	
THOMAS, FRANCIS, of Frederick county—Motions by, 20, 21, 209, 246, 253, 276, 293, 296, 326, 336, 356, 357, 358, 362, 403, 486, 491, 494, 495, 505, 511, 540, 548, 549, 550, 552, 553, 558, 569, 587, 589, 596, 637, 638, 647, 659, 660, 705, 716, 723, 725, 732, 744, 762, 763	
Resolution by, relative to the preparation of a map for the use of the convention,	169

THOMAS, FRANCIS, of Frederick county—

Resolution by, to have five hundred lithographed copies of the map prepared for the use of the convention, 476

Resolution by, that after the several reports of the Revisory committee have been finally acted upon, the constitution shall be signed by the President of the convention, and attested by the Secretary, and published, &c., 763

TREASURER Resolution of inquiry, relative to the free school fund, 72

Report from the State, 97, 180, 214, 233
312, 313

Resolution to appoint State, by a concurrent vote of both branches of the Legislature, 100

Resolution asking information of the State, 136
137, 138, 153, 306

Resolution requesting the State, to furnish each member of the Convention with a copy of his annual report, 214

TREASURY Resolution to appoint a Comptroller of the State, 101

To appoint an Auditor of, 120

To publish annually a detailed statement of monies drawn from the, 121

TREASURY DEPARTMENT—Resolutions referred to the committee on, 75, 100, 101, 118, 120, 121

Committee on, 79

Report of the committee on, 234

Proceedings on, 720, 721, 723, 730, 731, 732
733

TUCK, WILLIAM H., of Prince George's county—

Motions by, 3, 25, 36, 43, 52, 87, 88, 90, 91, 92, 96
102, 105, 111, 120, 173, 187, 199, 205, 208
212, 214, 223, 230, 258, 309, 392, 398, 446
451, 452, 469, 480, 486, 488, 491, 504, 515
552, 659, 606, 678, 688, 701, 704, 705, 706
710, 722, 732, 736, 737, 741, 742

Report of, from the committee appointed to wait on the Governor and obtain a list of the Delegates elect to the Convention, 3

Resolution by, that the convention will assemble at 10½ o'clock, A. M., 42

TUCK, WILLIAM H. of Prince George's county—

Resolution by, relative to the cost per page
of reporting the proceedings and debates of
the convention in quarto form, &c., 91

Resolution by, relative to conferring on
the county courts the appointment of justices
of the peace, constables, &c. 94

Resolution by, relative to printing, 96

Resolution by, calling on the Governor
for a list of officers of Executive appoint-
ment, &c., 101

Resolution by, relative to the appointment
of Attorney General and Deputies, 145

Resolution by, relative to bail, 145

Resolution by, relative to an index to the
journal and debates, 211

Resolution by, that the chairman of the
several standing committees constitute a
committee of Revision, &c., 509, 510

Report of, from committee on appointment,
tenure of office, &c., 557, 558

Resolution by, to close the journal of ac-
counts, 701

Resolution by, to adjourn sine die, 768

TYLER, SAMUEL—Communication from, 155, 156

W.

WARE, ELIAS, JR., of Baltimore city—Motions by, 58, 118, 251
351, 370, 379, 493, 559, 730

Resolution by, that it be entered on the
journal that Mr. Sherwood, is detained from
his seat by indisposition, 168

WATERS, WASHINGTON, of Montgomery county—
Motions by, 730

Resolution by, that it be entered on the
journal that Mr. Davis, has been called home
by the indisposition of his family, 730

- WEBER, WILLIAM**, of Allegany county—Motions by, 73, 167
180, 186, 189, 447
- Resolution by, relative to duelling, 96
- Resolution by, relative to the establishment of the office of Comptroller, 101
- Resolution by, to stop the per diem of absent members, 152
- Resolution by, to print on the journal all reports of articles for the constitution, and all proposed amendments, 216
- Report of, from the select committee on the subject of Licenses, 751
- WEBSTER, DANIEL**, Secretary of State of the U. S.—Communication from, 148
- WEEMS, GEORGE W.**, of Calvert county—Resolution by, to rescind the order to elect a President viva voce, 35
- Resolution by, to increase the number of tobacco inspectors, and elect them by the people, 121
- Resolution by, relative to free negroes, 149
- Motions by, 167, 172, 175, 176, 195, 313, 314
316, 341, 346, 356, 367, 369, 418, 558, 601, 672
673, 693, 753
- Accounts for newspapers, &c., presented by, 563
- WELLS, GEORGE**, of Anne Arundel county—Reports of, from the committee on Accounts, 71, 210, 289, 290
385, 654, 739
- Resolution by, to elect State Treasurer by a concurrent vote of both branches of the Legislature, 100
- Motions by, 111, 275, 295, 300, 359, 364 489
582, 678, 750
- Resolution by, asking information of the clerks of the courts of appeals of the Eastern and Western Shores, 111
- Resolution by, to create Howard District, into a new county, styled Howard county, 124
- Resolution by, prohibiting members of the Legislature from engaging as counsel in the prosecution of claims before the General Assembly, 138
- Resolution by, in favor of Benjamin Hopkins, 624

WELLS, GEORGE , of Anne Arundel county—	
Report of, from the committee on corporations,	653
Resolution by, in favor of State Librarian,	740
WELSH, THOMAS J. , of Baltimore county—Motions by,	
Resolution by, relative to Militia duty,	563
WHEELER, HENRY G. —Communication from, reporter to the convention,	
Referred to committee on Printing,	444
WILLIAMS, WILLIAM , of Somerset county—Motions by,	
Resolution by, requesting the State Treasurer to furnish each member of the convention with a copy of his Annual Report,	184
WISCONSIN	214
Report from the Secretary of State of,	155
WRIGHT, HENRY E. , of Queen Anne's county—Resolution by, relative to the salary and future residence of the Executive,	
Motions by,	101, 102
Petition of sundry citizens of the State against the sale of intoxicating liquors,	407

Y.

YEAS AND NAYS —On Mr. Phelps' motion to elect a President by ballot,	
On Mr. Jenifer's motion to adjourn sine die,	6
On Mr. E. F. Chambers' motion, that the person receiving the largest number of votes cast shall be declared duly elected President of the convention,	15
On Mr. Buchanan's motion to elect officers to the convention,	35
On Mr. Bowie's motion to amend the motion of Mr. Buchanan, by striking out all after the word resolved,	39
	40, 41

YEAS AND NAYS—

On Mr. Spencer's motion to strike out George G. Brewer, and insert John Nick Watkins, 41

On Mr. McHenry's motion to strike out all after the word resolved, and insert that John Nick Watkins and George G. Brewer, be and they are hereby appointed Secretaries to this convention, 42

On Mr. Ridgely's motion to amend the resolution in relation to the election of officers to the convention, 45, 46

On Mr. Bowie's motion to amend the resolution in relation to the election of officers to the convention, 47

On Mr. Spencer's motion to amend the resolution in relation to the election of officers to the convention, 47, 48

On Mr. McHenry's motion to amend the resolution to elect committee clerks to the convention, 48

On Mr. Spencer's motion to lay on the table the resolution to elect committee clerks to the convention, 49

On Mr. Bowie's motion to elect committee clerks to the convention, 50

On Mr. Gwinn's motion to amend the 15th resolution in the report of Mr. Jenifer, chairman of the committee to enquire and report what method would be most expedient to bring before the convention, the forms and provisions of a new constitution, 68, 69, 70

On Mr. Schley's motion to strike out the 1st resolution, relative to the per diem of President of the convention, 84

On Mr. Bowie's motion to amend the motion in relation to the compensation of officers of the convention, 85

On Mr. Dirickson's motion to amend the motion relative to the compensation of officers, 85, 86

On Mr. Bowie's amendment to the motion relative to the compensation of officers, 86, 87

On Mr. Dorsey's amendment to strike out the 1st and 2nd orders of the report of the committee on Reporting and Printing, 88

YEAS AND NAYS—

On Mr. Tuck's resolution relative to Reporting and Printing, 91

On Mr. Randall's motion relative to the appointment, tenure of office, &c., of members of the convention under the new constitution, 97

On Mr. Brewer's motion that the convention reconsider their vote relative to the report of the committee on Credentials, 104, 105

On Mr. Spencer's motion to amend the report of the committee on Credentials, 105

On Mr. R. J. Brent's motion to amend the report of the committee on Credentials, 106

On Mr. R. J. Brent's motion to amend the report of the committee on Credentials, 114

On the original resolution as reported by the committee on credentials, and amended by Mr. Donaldson, 114

On Mr. Ridgely's motion to explain his vote and others, on the resolution adopted as a substitute for the resolution of the majority committee on qualifications, 115

On Mr. Phelps' motion to amend the order of Mr. Davis, relative to canals, rail roads, &c., 118

On Mr. Davis' motion tendering the Hall of the Convention to the Rev. Thomas L. Hamner, agent of the American Sunday School Union, 142

On the petition presented by Mr. Ege, of P. Kong and others, Reubenites of the city of Baltimore, 143

On Mr. Phelps' motion to postpone motion to employ Henry G. Wheeler, to report the debates and proceedings of the Convention, 154

On the motion to adopt the resolution of Mr. Jenifer, as amended relative to employing a competent reporter, 154

On the motion of Mr. Stewart of Caroline, to reconsider the vote on the resolution authorising the committee on Printing, to employ a reporter, 165, 166

YEAS AND NAYS—

On the resolution as amended, to employ a reporter, 166

On the motion as amended of Mr. Smith, changing the hour of meeting of the convention, 174

On Mr. Weems' motion to amend the 1st section of the report of the committee on the Elective Franchise, 176

On Mr. E. F. Chambers' motion to amend the 1st section, 2nd line, of the report of the committee on the Elective Franchise, by inserting six months, in lieu of thirty days, 178

On Mr. Brown's motion to lay on the table the motion of Mr. Brent of Baltimore, to enter on the journal the names of absent members, 180

On Mr. Ridgely's motion to meet at 11 o'clock, 181

On Mr. Phelps' motion to amend the amendment of Mr. Chambers of Kent, by inserting after the words Howard District, thirty days in the election district or ward of the city of Baltimore, 182

On Mr. Phelps' motion to insert after the words Howard District, and twenty days in the election district or ward in the city of Baltimore, 182

On Mr. Kilgour's motion to amend by inserting after the words Howard District, and ten days in the election district or ward in the city of Baltimore, 183

On the motion of Mr. Hicks, to reconsider the order of Mr. Brent of Balt., to enter on the journal the names of absent members, 184

On Mr. Grason's motion to lay on the table the order and amendment relative to the per diem of absent members, 185

On Mr. Ridgely's motion to meet at 11 o'clock, A. M., 188

On Mr. Phelps' motion to amend the 1st section of the report of the committee on the Elective Franchise, 190

YEAS AND NAYS—

On Mr. Dorsey's motion to amend the report of the committee on the Elective Franchise, by striking out in the 1st line, this State, and inserting the United States, 190

On Mr. Sollers' motion to amend the 23rd rule, 191, 192

On Mr. R. J. Bient's motion in relation to amending the standing rules, 207

On the motion of Mr. Dent, to postpone the consideration of the report of the committee on Representation, 208

On the motion of Mr. Sollers, to commit the report of the committee on Representation to the committee of the whole house, 209

On Mr. Spencer's motion to recommit the report of the committee on Representation, 212

On Mr. Blakistone's motion requesting the committee on Representation and Apportionment to report a plan making numbers exclusively the basis of representation to the House of Delegates, 213

On Mr. Spencer's motion to lay on the table the order of Mr. Thawley, rescinding the order authorising the printing of extra journals, 216

On Mr. Brown's motion to lay on the table the report of the committee on the Elective Franchise, 217

On Mr. Ridgely's motion to lay on the table, the resolution to meet at 10 o'clock, except Mondays, 229

On Mr. John Newcomer's motion to meet at 10 o'clock, 229, 230

On the motion to lay on the table the order relative to the hour of meeting of the convention, 230

On the motion of Mr. Hicks', to amend the amendment of Mr. Prestman to the report of the committee on the Declaration of Rights, 231

On the motion of Mr. Stephenson, changing the hour of meeting of the convention, 232, 233

YEAS AND NAYS—

On Mr. Dorsey's motion to amend the amendment of Mr. Presstman, to the report of the committee on the Declaration of Rights, 238, 239

On Mr. Kilgour's motion to amend the 13th article of the report of the committee on the Declaration of Rights, 240

On Mr. Dorsey's motion to give the State the same right to challenge jurors as the accused has, 241, 242

On Mr. Dirickson's motion to give the counsel for the accused in criminal cases, the privilege of making the closing address to the court and jury, 242

On the motion of Mr. R. J. Brent, to amend the 19th article, to the report of the committee on the Declaration of Rights, 243

On Mr. Spencer's motion to amend the 19th article of the Declaration of Rights, 243

On Mr. Hicks' motion to prevent members of the convention, holding office under the new constitution, for ten years after its adoption, 245, 246

On Mr. Jenifer's motion to amend the amendment to the 30th article of the Declaration of Rights, by adding at the end thereof, "or practising lawyers," 246

On Mr. R. J. Brent's motion to amend the 30th article of the Declaration of Rights, 247

On Mr. R. J. Brent's motion to amend the 33rd article of the report of the committee on the Declaration of Rights, 250

On Mr. Randall's substitute for the amendment to the 33rd article of the Declaration of Rights, 251

On Mr. Dorsey's motion to amend the 33rd article of the Declaration of Rights, 251

On Mr. John Newcomer's motion to strike out the 34th article of the report of the committee on the Declaration of Rights, 252

On Mr. Dashiell's motion to amend the preamble to the report of the committee on the Declaration of Rights, 260

On Mr. Sprigg's motion to amend the 2nd section of the report of the committee on the legislative department, 272

YEAS AND NAYS—

On Mr. R. J. Brent's motion to amend the 2nd section of the report of the committee on the legislative department, 273

On Mr. Spencer's motion to amend the 2nd section of the report of the committee on the legislative department, 274

On Mr. Phelps' motion to amend the 2nd section of the report of the committee on the legislative department, 274

On Mr. Well's motion to amend the 2nd section of the report of the committee on the legislative department, 275

On Mr. McHenry's motion to amend the 2nd section of the report of the committee on the legislative department, 275, 276

On Mr. Spencer's motion to amend the 2nd section of the report of the committee on the legislative department, 277

On Mr. Spencer's motion to amend the 2nd section of the report of the committee on the legislative department, 278

On Mr. John Newcomer's motion to amend the amendment of Mr. Spencer, to the 2nd section of the report of the committee on the legislative department, 279

On Mr. John Newcomer's motion for the previous question, 288

On Mr. Brown's motion to reconsider the words first Monday in November, in the 3rd section of the report of the committee on the Legislative Department, 292

On Mr. Spencer's motion to amend the 5th section of the report of the committee on the Legislative Department, 292, 293

On Mr. Gwinn's motion to meet at 10 o'clock, 293, 294

On Mr. Mitchell's motion to meet at 4½ o'clock P. M., 294

On Mr. Wells' motion to amend the 2nd section of the report of the committee on the Legislative Department, by adding, "and the sessions of the General Assembly shall be annual," 295

YEAS AND NAYS—

- On Mr. T. R. Stewart's motion to amend the 16th section of the report of the committee on the Legislative Department, 301, 302
- On Mr. Merrick's motion to adjourn, 304
- On Mr. Magraw's motion to adjourn, 304
- On Mr. Fiery's motion to lay on the table the motion to adjourn over to the 24th, in honor of the anniversary of the birth day of Washington, 306
- On Mr. Kilgour's motion to adjourn over to the 24th instant, 306
- On Mr. Schley's motion to amend the 16th section to the report of the committee on the Legislative Department, 307, 308, 309
- On Mr. Dorsey's motion to amend the 16th section of the report of the committee on the Legislative Department, 310
- On Mr. Gwinn's motion as amended, being a substitute for the 16th section of the report of the committee on the Legislative Department, 311
- On the motion of Mr. Weems' to amend the 18th section of the report of the committee on the Legislative Department, 313, 314
- On Mr. Donaldson's motion to amend the 21st section of the report of the committee on the Legislative Department, 319
- On Mr. McHenry's motion to amend the 21st section of the report of the committee on the Legislative Department, 319, 320
- On Mr. Neill's motion to instruct the committee on Representation, 324, 325, 326
- On Mr. Morgan's motion to lay on the table the motion of Mr. Thomas, to reconsider the motion of Mr. Neill, to instruct the committee on Representation, 326
- On Mr. Presstman's motion to reconsider the vote of the Convention, adopting the 1st branch of Mr. Neill's order, instructing the committee on Representation, 327
- On Mr. Jacobs' motion to amend the 21st section of the report of the committee on the Legislative Department, 328, 329 330

YEAS AND NAYS—

On Mr. John Newcomer's motion to amend the 31st section of the report of the committee on the Legislative Department 335

On Mr. Chandler's motion to amend the 9th section of the report of the committee on the Legislative Department, 337

On Mr. McHenry's motion to reconsider the vote of the Convention on the 21st section of the report of the committee on the Legislative Department, 337

On Mr. Merrick's motion to amend the 34th section of the report of the committee on the Legislative Department, 341

On Mr. Phelps' motion to amend the 37th section of the report of the committee on the Legislative Department, 342, 343

On Mr. Fitzpatrick's motion to amend the report of the committee on the Legislative Department, by adding at the end thereof an additional section, 345

On Mr. R. J. Brent's motion to amend the report of the committee on the Legislative Department, by adding an additional section, 346

On Mr. John Newcomer's motion to amend the motion of Mr. Brent, to amend the report of the committee on the Legislative Department, 347

On Mr. Jenifer's motion to lay on the table, 348

On Mr. Ridgely's motion, to exempt from execution a reasonable amount of property of a debtor, 348, 350

On Mr. Donaldson's motion to lay on the table, 349

On Mr. Dent's motion, to exempt a reasonable amount of the property of the heads of families from seizure or sale, &c., 349

On Mr. Ridgely's motion to reconsider the vote on the amendment offered by him and adopted as an additional section to the report of the committee on the Legislative Department, 351

On Mr. Ridgely's motion to amend the report of the committee on the Legislative Department, 352

YEAS AND NAYS—

On Mr. McHenry's motion to amend the motion of Mr. Constable to amend the report of the committee on the Legislative Department, 355

On Mr. Constable's motion to amend the amendment of Mr. George to the report of the committee on the Legislative Department, 356

On Mr. Chambers' motion to amend the amendment of Mr. George, by striking out "individuals," 356, 357

On Mr. Donaldson's motion to amend the amendment of Mr. George to the report of the committee on the Legislative Department, 357

On Mr. Lloyd's motion to make the several reports of the committee on Representation the special order of the day, 359

On Mr. Kilgour's motion to make the several reports from the committee on Representation the special order of the day for the 1st Monday in April, 359, 360

On Mr. Neill's motion to postpone the order of the day, 360

On the motion of Mr. Thomas to reconsider the vote of the Convention on the amendment submitted by Mr. Davis to the 21st section of the report of the committee on Representation, 360, 361

On Mr. Davis' motion to amend the 21st section of the report of the committee on Representation, 361

On Mr. McHenry's amendment to the amendment of Mr. Spencer to the 21st section of the report of the committee on Representation, 362

On Mr. Sollers' motion to amend the amendment to 21st section of the report of the committee on Representation, 363

On Mr. Dorsey's motion to take up the report of the committee on New Counties, 364

On Mr. Wells' motion to postpone the several reports from the committee on Representation, 365

YEAS AND NAYS—

On Mr. Crisfield's substitute for the amendment of Mr. McHenry to the 21st section of the report of the committee on Representation, 366

On Mr. Blakistone's motion to amend the report of the committee on the Legislative Department, by inserting as an additional section, 367, 368

On Mr. Presstman's motion to amend the report of the committee on the Legislative Department, by adding as an additional section, "No person shall be imprisoned for debt," 368

On Mr. Spencer's motion to reconsider the vote adopting the 1st branch of the amendment offered by Mr. Blakistone to the report of the committee on the Legislative Department, 368, 369

On Mr. Dorsey's motion to amend the 1st section of the report of the committee on the Executive Department, 371

On Mr. Grason's motion to amend the 1st section of the report of the committee on the Executive Department, 371, 372

On Mr. Gwinn's motion to amend the 4th section of the report of the committee on the Executive Department, 374

On Mr. Dent's motion to amend the 4th section of the report of the committee on the Executive Department, 375

On Mr. Grason's amendment to the 6th section of the report of the committee on the Executive Department, 377, 378

On Mr. Buchanan's motion to amend the 6th section of the report of the committee on the Executive Department, by filling the blank with seven, 378

On Mr. Spencer's motion to amend the 6th section of the report of the committee on the Executive Department, 378, 379

On Mr. Brown's motion to strike out the 6th section in the report of the committee on the Executive Department, 379

YEAS AND NAYS—

On Mr. Dorsey's motion to amend the 19th section of the report of the committee on the Executive Department, 383

On Mr. Magraw's motion to lay on the table the order to appoint a committee to enquire into the expediency of dismissing some of the doorkeepers and committee clerks, 383

On Mr. Sollers' motion to reconsider the vote on the order dismissing doorkeepers and committee clerks, 385, 386

On Mr. Donaldson's motion to amend the 19th section of the report of the committee on the Executive Department, 387

On the adoption of the 19th section of the report of the committee on the Executive Department, 388

On Mr. Grason's motion to take up for consideration the 2nd section of the report of committee on the Executive Department, 388

On Mr. Dirickson's amendment to the 21st section of the report of the committee on the Executive Department, 391

On Mr. Crisfield's motion to strike out in the 21st section of the report of the committee on the Executive Department, 392

On E. F. Chambers' motion to amend the 21st section of the report of the committee on the Executive Department, 392

On the adoption of the 21st section as amended, of the report of the committee on the Executive Department, 392, 393

On the motion of Mr. Dorsey, to reconsider the vote of the convention on the 21st section of the report of the committee on the Executive Department, 393

On Mr. McHenry's motion to amend the 22nd section of the report of the committee on the Executive Department, by inserting fifteen hundred dollars, 394, 395

On Mr. Dashiell's amendment, as a substitute for the 22nd section of the report of the committee on the Executive Department, 395

YEAS AND NAYS—

On Mr. Dirickson's motion to strike out the 22nd section of the report of the committee on the Executive Department, 396

On Mr. R. J. Brent's substitute for the report of the committee to enquire whether or not it would be expedient to discharge some of the doorkeepers and committee clerks, 398, 399

On Mr. McHenry's motion to lay on the table the motion of Mr. Brent of Balt., to reconsider the vote upon the resolution adopted dispensing with the services of certain committee clerks, 400

On Mr. R. J. Brent's motion to reconsider the vote of the convention on the resolution dismissing certain committee clerks, 400, 401

On Mr. R. J. Brent's motion to send the sergeant-at-arms for absent members, 404

On Mr. Ridgely's motion to adjourn, 404

On Mr. Bowie's motion to adjourn, 405

On Mr. Gwinn's motion to postpone the consideration of the report of the committee on the Attorney General, 415

On Mr. Hicks' motion to reconsider the vote of the convention dispensing with the services of certain committee clerks, 416

On Mr. Dirickson's motion to amend the 1st section of the report of the committee on the Attorney General, 417

On Mr. Crisfield's amendment to the substitute offered by Mr. McLane, to the 1st section of the report of the committee on the Attorney General, 419

On the adoption of the 1st section as amended, of the report of the committee on the Attorney General, 421

On Mr. Dirickson's motion to amend the 7th section of the report of the committee on the Attorney General, 422, 423

On Mr. Spencer's motion to amend the 7th section of the report of the committee on the Attorney General, 423

On Mr. Schley's motion to postpone the several reports of the committee on Representation, 424

YEAS AND NAYS—

- On Mr. Bowie's motion to adjourn, 425
- On Mr. Hicks' motion to postpone the several reports of the committee on Representation, 425, 426
- On Mr. Schley's motion to amend the amendment of Mr. Fiery, to the 2nd section of the report of the committee on Representation, 428, 429
- On Mr. Fiery's amendment to the 2nd section of the report of the committee on Representation, 430
- On the amendment of Mr. Jenifer, to the 2nd section of the report of the committee on Representation, 430, 431
- On the adoption of the 2nd section as amended, of the report of the committee on Representation, 431
- On Mr. Chambers', of Kent, substitute for the 2nd section of the report of the committee on Representation, 431, 432
- On Mr. Dirickson's motion to adjourn, 433
- On Mr. Bowie's motion to adjourn, 434
- On Mr. Sherwood's motion to adjourn, 435, 436
- On the various amendments to the resolution of Mr. Howard, fixing a day to vote on the various motions, propositions, articles, &c., touching the subject of Representation, 438, 439, 440
- On Mr. Dirickson's motion to reconsider the vote of the convention limiting debate on the various amendments, &c., touching the subject of Representation, 447
- On Mr. Phelps' substitute for the amendment offered by Mr. Schley, as the 2nd section of the report of the committee on Representation, 448, 449
- On Mr. Stephenson's amendment to the amendment of Mr. Phelps, to the 2nd section of the report of the committee on Representation, 450
- On Mr. Dorsey's substitute for the amendment of Mr. John Newcomer, to the 2nd section of the report of the committee on Representation, 451

YEAS AND NAYS—

On Mr. Tuck's substitute for the amendment of Mr. John Newcomer, to the 2nd section of the report of the committee on Representation, 453

On Mr. Dorsey's motion to adjourn, 454

On Mr. Bowie's motion to adjourn, 454, 455

On Mr. Blakistone's motion to adjourn, 455

On Mr. Kilgour's motion to adjourn, 456

On Mr. Merrick's motion to adjourn, 456

On Mr. Sollers' motion to adjourn, 457

On Mr. Kilgour's motion to adjourn, 458

On Mr. Tuck's motion appealing from the decision of the chair, 458

On Mr. Brown's motion to suspend further proceedings under the call of the convention, 459

On Mr. Kilgour's motion to adjourn, 459

On Mr. Sollers' motion for the previous question, 460

On the motion of Mr. Shower, to reconsider the vote of the convention on the amendment offered by Mr. Fiery, to the report of the committee on Representation, 460, 461

On Mr. Dent's substitute for the amendment of Mr. John Newcomer, to the 2nd section of the report of the committee on Representation, 461, 462

On Mr. E. F. Chambers' amendment to the amendment of Mr. John Newcomer, to 2nd section of the report of the committee on Representation, 462

On Mr. Sollers' substitute for the amendment of Mr. John Newcomer, to the report of the committee on Representation, 462, 463

On Mr. John Newcomer's motion to amend the 2nd section of the report of the committee on Representation, 463

On Mr. Dorsey's substitute for the report of the committee on Representation, 465

On Mr. Hopewell's motion that the representation in the House of Delegates shall be as it now is under the constitution of the State of Maryland, until the year 1860, 466

YEAS AND NAYS—

On Mr. Merrick's substitute for the amendment offered by Mr. Fiery, to the report of the committee on Representation, 467, 468

On Mr. Gwinn's motion to elect delegates by general ticket, 468

On Mr. Dorsey's amendment to the amendment of Mr. Fiery, to the report of the committee on Representation, 468, 469

On the adoption of the amendment of Mr. Fiery, to the report of the committee on Representation, 469

On Mr. Mitchell's motion to adjourn, 471, 472

On Mr. Sollers' motion to amend the amendment of Mr. Johnson, to the report of the committee on Representation, 472

On Mr. Buchanan's motion to adjourn, 472, 473

On Mr. Brown's amendment to the report of the committee on Representation, 473

On Mr. Spencer's motion to lay on the table the order of Mr. Michael Newcomer, relative to the meeting and adjournment of the convention, 474, 475

On Mr. Crisfield's motion to amend the substitute offered by Mr. Jenifer, as a substitute for the amendment offered by Mr. Johnson, as the 2nd section of the report of the committee on Representation, 476, 477

On Mr. Carter's substitute for the substitute offered by Mr. Jenifer, and the amendment offered by Mr. Johnson, to the report of the committee on Representation, 478, 479

On Mr. Smith's substitute for the substitute and amendment as the 2nd section of the report of the committee on Representation, 481, 482

On Mr. Jenifer's substitute for the 2nd section of the report of the committee on Representation, 482

On Mr. Spencer's motion to adjourn, 483

On Mr. Dorsey's motion to amend the amendment of Mr. Johnson for the 2nd section of the report of the committee on Representation, 484, 485

YEAS AND NAYS—

On Mr. Grason's substitute for the amendment offered by Mr. Johnson, for the 2nd section of the report of the committee on Representation, 487, 488

On the substitute of Mr. Grason, as amended, for the 2nd section of the report of the committee on Representation, 489, 490

On Mr. Grason's amendment to the 2nd section of the report of the committee on the Executive Department, 439

On Mr. Sprigg's amendment to the substitute offered by Mr. Grason, for the 2nd section of the report of the committee on the Executive Department, 493, 494

On Mr. Stephenson's motion for the previous question, 506

On Mr. Thomas' substitute for the 5th section of the report of the committee on the Executive Department, 506

On Mr. Dorsey's substitute for the 5th section of the report of the committee on the Executive Department, 507

On the adoption of the 5th section of the report of the committee on the Executive Department, 507

On the resolution in favor of Henry G. Wheeler, the Reporter of the convention, 509

On the adoption of the article as amended, of the report of the special committee on New Counties, in relation to a division and erection of a new county out of Alleghany, 511, 512

On Mr. Donaldson's substitute for the 3rd section of the report of the committee on the Legislative Department, 512

On Mr. Donaldson's motion to amend the 3rd section of the report of the committee on the Legislative Department, 513

On Mr. Tuck's motion to adjourn, 515

On Mr. Michael Newcomer's motion to send the sergeant-at-arms after the absent members, 515, 516

YEAS AND NAYS.—

On Mr. Blakistone's motion to adjourn, 516, 517

On Mr. T. R. Stewart's amendment to the amendment offered by Mr. Bowie, as an additional section to the report of the committee on the Legislative Department, 518, 519

On Mr. Stephenson's motion relative to the meeting of the convention, 520, 521

On Mr. John Newcomer's motion to reconsider the vote of the convention on his amendment to the 23rd section of the report of the committee on the Legislative Department, 522, 523

On Mr. John Newcomer's motion to amend the 23rd section of the report of the committee on the Legislative Department, 523

On the adoption of the 23rd section as amended, of the report of the committee on the Legislative Department, 524

On the adoption of Mr. Blakistone's amendment, as the 43rd section of the report of the committee on the Legislative Department, 525, 526

On Mr. McMaster's motion to reconsider the vote of the convention on the article creating Howard county, 526, 527

On Mr. McHenry's amendment as an additional section to the report of the committee on the Executive Department, 527

On Mr. Davis' motion to reconsider the vote of the convention on the 41st article of the report of the committee on the Legislative Department, 528

On Mr. R. J. Brent's substitute for the report of the committee on further Amendments and Revisions of the constitution, 528

On Mr. Hicks' amendment to the report of the committee on future Amendments and Revisions of the constitution, 533, 534

On Mr. Fitzpatrick's substitute for the report of the committee on future Amendments and Revisions of the constitution, 534

On the adoption of the report of the committee on future Amendments and Revisions of the constitution, 536

YEAS AND NAYS—

On Mr. Mitchell's motion for the previous question, 537, 538

On Mr. Sollers' substitute for the amendment of Mr. Donaldson, as an additional section to the report of the committee on future Amendments and Revisions of the constitution, 538

On Mr. Randall's amendment to the report of the committee on future Amendments and Revisions of the constitution, 539

On Mr. Tuck's motion to amend the report of the committee on future Amendments and Revisions of the constitution, by an additional section, rendering members of the convention re-eligible to office, 540

On Mr. Thomas' motion to take up the report of the committee No. 14, creating a Board of Public Works, 540

On Mr. E. F. Chambers' motion to meet on each Monday morning, at half-past 11 o'clock, 541

On Mr. Thawley's motion to reconsider the vote of the convention on the resolution in favor of Henry G. Wheeler, 543

On Mr. Crisfield's motion to adjourn, 544

On Mr. Davis' amendment to the amendment of Mr. Howard, to the report of the committee creating a Board of public works, 546

On the amendment of Mr. Howard, as amended, to the report of the committee creating a Board of Public Works, 547

On the adoption of the 1st article of the report of the committee creating a Board of Public Works, 547, 548

On Mr. Bowie's appeal from the decision of the chair, 548

On Mr. Thomas' substitute, being the 2nd article to the report of the committee creating a Board of Public Works, 548, 549

On Mr. Thomas' substitute, being the 3rd article to the report of the committee creating a Board of Public Works, 549

YEAS AND NAYS—

On 1st, 2nd and 3rd articles of the report of the committee creating a Board of Public Works, 549, 550

On Mr. Schley's motion to reconsider the vote of the convention on the report of the committee creating a Board of Public Works, 551

On Mr. Jacobs' motion to amend the report of the committee creating a Board of Public Works, by adding at the end thereof an additional section, 551, 552

On Mr. Buchanan's motion for the previous question, 553

On the article offered by Mr. Tuck, as an additional section to the report of the committee creating a Board of Public Works, 553, 554

On Mr. Phelps' motion to lay on the table the motion of Mr. Annan, to terminate debate on the report of the Judiciary committee, 555, 556

On Mr. Phelps' motion to strike out in the 5th section, 8th line, these words: A plurality vote of the legal and qualified voters therein, and insert in lieu thereof, joint ballot of the two Houses of the General Assembly of Maryland, 559

On Mr. Crisfield's amendment to the 5th section of the report of the committee on the Judiciary, 560

On Mr. Spencer's motion to adjourn, 561

On Mr. Donaldson's motion for a division of the question on striking out in the 5th section of the report of the committee on the Judiciary, 562

On Mr. Bowie's motion for a division of the question on striking out in the 5th section of the report of the committee on the Judiciary, 563

On Mr. Dorsey's amendment to the 5th section of the report of the committee on the Judiciary, 563, 564

On Mr. Stephenson's motion to amend the 5th section of the report of the committee on the Judiciary, 564

YEAS AND NAYS—

On Mr. Hicks' motion to amend the 5th section of the report of the committee on the Judiciary, 564

On Mr. Dorsey's motion to amend the 5th section of the report of the committee on the Judiciary, by striking out ten, and inserting twenty, 565

On Mr. Dirickson's motion to amend the 5th section of the report of the committee on the Judiciary, by striking out ten, and inserting in lieu thereof six, 565

On Mr. Sollers' substitute for the 5th section of the report of the committee on the Judiciary, 566

On Mr. Gwinn's motion to dispense with further proceedings under the call of the Convention, 568

On Mr. Hicks' motion to amend the 5th section of the report of the committee on the Judiciary, by inserting after the word "and," in the 11th line, the words, "shall not," 569

On Mr. Thomas' motion to amend the 5th section of the report of the committee on the Judiciary, 569

On Mr. Gwinn's motion to amend the 5th section of the report of the committee on the Judiciary, 570

On the resolution of Mr. Stewart, of Baltimore city, in favor of the Printers, 579

On Mr. Biser's motion to amend the 5th section of the report of the committee on the Judiciary, by striking out in the 19th line, the words, "five hundred," 580

On Mr. R. J. Brent's motion to amend the 5th section of the report of the committee on the Judiciary, by striking out "two thousand five hundred," and inserting "three thousand," 580

On Mr. R. J. Brent's motion to amend the 5th section of the report of the committee on the Judiciary, 581

YEAS AND NAYS—

On Mr. Jacobs' motion to amend the 5th section of the report of the committee on the Judiciary, by striking out in the 3rd and 4th lines, these words, "from among those learned in the law, having been admitted to practice in this State," 582

On Mr. Shower's motion to reconsider the vote of the Convention on the amendment of Mr. Brown, to the 5th section of the report of the committee on the Judiciary, 582

On the adoption of the 5th section as amended, of the report of the committee on the Judiciary, 582, 583

On Mr. Jacobs' motion to amend the 5th section of the report of the committee on the Judiciary, 585

On Mr. Weems' motion to postpone the order of the day, 588

On Mr. Thomas' motion to amend the 10th section of the report of the committee on the Judiciary, 588

On Mr. Bowie's substitute for the 9th section of the report of the committee on the Judiciary, 589

On Mr. Thomas' motion to amend the 9th section of the report of the committee on the Judiciary, 589, 590

On Mr. Miller's motion to amend the 9th section of the report of the committee on the Judiciary, 590, 591

On Mr. Spencer's substitute for the 9th section of the report of the committee on Judiciary, 591

On Mr. R. J. Brent's substitute for the 9th section of the report of the committee on the Judiciary, 592

On Mr. Crisfield's amendment to the 9th section of the report of the committee on the Judiciary, 593

On Mr. Harbine's motion to amend the 2nd branch of the amendment of Mr. Crisfield, to the 9th section of the report of the committee on the Judiciary, 595

YEAS AND NAYS—

On Mr. Buchanan's motion to reconsider the vote of the Convention on the first branch of the amendment of Mr. Crisfield, to the 9th section of the report of the committee on the Judiciary, 596

On Mr. Thomas' motion to amend the amendment of Mr. Crisfield, to the 9th section of the report of the committee on the Judiciary, 596, 597

On Mr. Crisfield's motion to amend the 2nd branch of his amendment to the 9th section of the report of the committee on the Judiciary, 597

On Mr. Gwinn's motion to lay on the table the motion of Mr. Spencer, to reconsider the 2nd branch of the amendment of Mr. Crisfield to the 9th section of the report of the committee on the Judiciary, 598, 599

On the adoption of the 9th section as amended of the report of the committee on the Judiciary, 599

On Mr. Shriver's amendment to the substitute of Mr. Michael Newcomer, for the amendment of Mr. Jenifer, as the 10th section of the report of the committee on the Judiciary, 600, 601

On Mr. Grason's motion to reconsider the vote of the convention on the amendment of Mr. Shriver, to the substitute offered by Mr. Michael Newcomer, for the amendment of Mr. Jenifer, as the 10th section of the report of the committee on the Judiciary, 601

On Mr. Johnson's motion to amend the substitute of Mr. John Newcomer, as amended by Mr. Shriver, to the report of the committee on the Judiciary, 601, 602

On Mr. Grason's amendment to the substitute of Mr. Michael Newcomer, to the report of the committee on the Judiciary, 602

On Mr. John Dennis' substitute for the amendment and substitute of Mr. Michael Newcomer, to the report of the committee on the Judiciary, 603

YEAS AND NAYS—

On Mr. Brown's motion to amend the substitute of Mr. Michael Newcomer, to the report of the committee on the Judiciary, 603

On Mr. Buchanan's resolution in favor of the Pages of the convention, 604

On Mr. Gwinn's motion to suspend further proceedings under the call of the convention, 605

On Mr. Sappington's motion for the previous question, 606

On the substitute as offered by Mr. Bowie, for the amendment proposed by Mr. Jenifer, and the substitute offered by Mr. Michael Newcomer, to the report of the committee on the Judiciary, 607

On the substitute as offered by Mr. Michael Newcomer and amended on the motions of Messrs. Shriver and Johnson, as the 10th section of the report of the committee on the Judiciary, 607, 608

On the adoption of the article as amended, as the 10th section of the report of the committee on the Judiciary, 609, 610

On E. F. Chambers' motion to adjourn, 610
611

On Mr. Crisfield's motion to reconsider the vote of the Convention on the 42nd section of the report of the committee on the Legislative Department, abolishing imprisonment for debt, 612

On Mr. Brown's motion to reconsider the vote of the convention, rejecting the amendment of Mr. Michael Newcomer, as the 10th section of the report of the committee on the Judiciary, 612, 613

On Mr. John Newcomer's motion to reconsider the vote of the convention on the 10th section of the report of the committee on the Judiciary, striking out three Judges, and inserting one Judge, 613

On Mr. Bowie's motion for the previous question, 614

YEAS AND NAYS—

On the substitute as offered by Mr. Chambers, of Kent, and amended on the motion of Mr. Fitzpatrick, for the 10th section of the report of the committee on the Judiciary, 614, 615

On Mr. Bowie's substitute for the 10th section of the report of the committee on the Judiciary, 616

On the adoption of the 10th section as an article of the report of the committee on the Judiciary, 616

On Mr. Thomas' motion that the convention take a recess until 5 o'clock, P. M., 616, 617

On Mr. Spencer's amendment as the 12th section of the report of the committee on the Judiciary, 619

On Mr. Spencer's amendment as the 13th section of the report of the committee on the Judiciary, 619, 620

On Mr. Crisfield's amendment to Mr. Mr. Bowie's substitute for the 2nd and 3rd sections of the report of the committee on the Judiciary, 620

On Mr. Schley's amendment to the amendment of Mr. Crisfield, to the substitute of Mr. Bowie for the 2nd and 3rd sections of the report of the committee on the Judiciary, 621

On Mr. Johnson's motion to amend the substitute of Mr. Bowie, for the 2nd and 3rd sections of the report of the committee on the Judiciary, 621, 622

On Mr. Thawley's motion to adjourn, 622, 623

On Mr. Crisfield's amendment to the substitute of Mr. Brent, of Baltimore city, for the 4th section of the report of the committee on the Judiciary, 623

On the substitute of Mr. Brent, of Baltimore city, and amended on the motion of Mr. Howard, for the 4th section of the report of the committee on the Judiciary, 624

YEAS AND NAYS—

On Mr. Howard's motion to lay on the table the motion of Mr. Biser, to reconsider the vote of the Convention upon the proviso submitted by Mr. Brent, of Baltimore city, to the 43rd section of the report of the committee on the Legislative Department, 625

On Mr. Spencer's motion to reconsider the vote on the 10th section of the report of the committee on the Judiciary, 626

On Mr. Schley's motion to reconsider the vote of the convention adopting an amendment of Mr. Spencer, as the 11th section of the report of the committee on the Judiciary, 626, 627

On the adoption of the amendment of Mr. Spencer, as the 11th article of the report of the committee on the Judiciary, 627

On Mr. Neill's motion to reconsider the vote of the convention adopting an amendment of Mr. Spencer, as the 13th section of the report of the Judiciary committee, 627, 628

On Mr. Spencer's motion to amend the 13th article to the report of the Judiciary committee, 628

On Mr. Howard's substitute for the 25th section of the report of the committee on the Judiciary, 629

On Mr. Morgan's motion to amend the 13th section of the report of the Judiciary committee, 630, 631

On Mr. E. F. Chambers' motion to lay on the table the motion of Mr. Michael Newcomer, that the convention take a recess each day during the session, from 2 o'clock until 4 o'clock, P. M., 632

On Mr. Brown's motion to reconsider the vote of the convention on the amendment offered by Mr. Morgan, to the 13th section of the report of the committee on the Judiciary, 634

On Mr. Morgan's motion to amend 12th section of the report of the Judiciary committee, 635

YEAS AND NAYS—

On Mr. Gwinn's amendment to the 12th section of the report of the Judiciary committee, 635, 636

On Mr. Dashiell's amendment to the amendment of Mr. Harbine, to the 12th section of the report of the Judiciary committee, 637

On Mr. Harbine's motion to amend the 12th section of the report of the committee on the Judiciary, 637, 638

On the adoption of the 12th section of the report of the committee on the Judiciary, 638

On Mr. E. F. Chambers' motion to adjourn, 639

On Mr. Crisfield's motion to reconsider the vote of the convention on the 12th section of the report of the Judiciary committee, 641

On Mr. Buchanan's motion to strike out the 16th and 17th sections of report of the Judiciary committee, 642

On Mr. Buchanan's amendment to the 16th section of the report of the Judiciary committee, 642, 643

On Mr. Shriver's motion to amend the 18th section of the report of the committee on the Judiciary, 643

On the motion of Mr. E. F. Chambers, to reconsider the vote of the convention on the section submitted by Mr. Grason, touching the subject of Representation, 645

On Mr. Buchanan's motion to lay on the table the motion of Mr. Chambers of Kent, to take up the proposition to district the city of Baltimore, 646

On Mr. E. F. Chambers' motion to consider the proposition to district the city of Baltimore, 646

On Mr. Thomas' motion to refer the proposition relative to districting the city of Baltimore, and the amendments thereto, together with the new map of the State, and the accompanying documents, to a select committee, 647, 648

YEAS AND NAYS—

On Mr. Spencer's motion for the previous question, 648, 649

On Mr. Johnson's amendment to the proposition to district the city of Baltimore, 649, 650

On Mr. Brown's motion to adjourn, 650

On the motion of Mr. Schley, to reconsider the vote of the convention on the amendment offered by Mr. Chambers of Kent, in relation to districting the city of Baltimore, 651

On Mr. Gwinn's motion to adjourn, 651, 652

On Mr. Johnson's amendment to the amendment of Mr. Chambers' of Kent, in relation to districting the city of Baltimore, 657

On Mr. E. F. Chambers' amendment as amended, in relation to the districting the city of Baltimore, 657, 658, 659

On Mr. Thomas' substitute for the amendment of Mr. Chambers of Kent, as amended, in relation to districting Baltimore city, 660

On the adoption of Mr. Thomas' amendment in relation to districting Baltimore city, as an article in the constitution, 660, 661

On Mr. John Newcomer's motion to postpone the motion of Mr. Chamber's, of Kent, to reconsider the vote of the convention, striking out the amendment of Mr. Chambers, of Kent, in relation to districting Baltimore city, 662

On Mr. John Newcomer's motion to amend the 20th section of the report of the Judiciary committee, 664

On Mr. Ridgely's motion to amend the amendment of Mr. Fitzpatrick, to the 20th section of the report of the Judiciary committee, 665

On Mr. Howard's motion to amend the amendment offered by Mr. Fitzpatrick, and amended on the motion of Mr. Ridgely to the 20th section of the report of the Judiciary committee, 665

YEAS AND NAYS—

On Mr. Harbine's substitute for the amendment of Mr. Fitzpatrick, as amended to the 20th section of the report of the committee on the Judiciary, 666

On the adoption of the amendment of Mr. Fitzpatrick, and amended on the motion of Mr. Ridgely, to the 20th section of the report of the committee on the Judiciary, 666
667

On Mr. Grason's motion to adjourn, 668

On Mr. Spencer's motion to amend the 21st section of the report of the committee on the Judiciary, 671

On Mr. Stephenson's motion to amend the 21st section of the report of the committee on the Judiciary, 672

On Mr. Thawley's motion to amend the 21st section of the report of the Judiciary committee, 673

On Mr. John Newcomer's substitute for the substitute of Mr. Bowie, for the 21st section of the report of the Judiciary committee, 674

On the adoption of the 21st section as amended, of the report of the committee on the Judiciary, 675, 676

On Mr. George's motion to adjourn, 676

On Mr. Blakistone's motion to amend the motion of Mr. Ricaud, relative to placing bound copies of the debates in the State Library, 678

On Mr. Dorsey's motion to fill the blank in the 22nd section of the report of the committee on the Judiciary with "four," 680

On Mr. John Newcomer's motion to amend the 25th section of the report of the committee on the Judiciary, 681

On Mr. John Newcomer's motion to amend the 25th section of the report of the Judiciary committee, by striking out "five" and inserting "two," 682

YEAS AND NAYS—

On Mr. Shriver's motion to amend the substitute of Mr. Randall as amended for the 25th section of the report of the committee on the Judiciary, by striking out "five" and inserting "two," 682, 683

On Mr. Bowie's amendment to the 29th section of the report of the committee on the Judiciary, 684

On Mr. Bowie's amendment to the amendment of Mr. Stephenson, as an additional section to the report of the committee on the Judiciary, 684, 685

On the additional section as amended to the report of the Judiciary committee, 685

On Mr. Magraw's motion to take a recess until half past 4 o'clock, P. M., 685, 686

On the motion of Mr. Stewart, of Baltimore city, to reconsider the vote of the convention on the 11th and 12th sections of the report of the committee on the Judiciary, 686

On Mr. Brown's motion that the resolution limiting debate on the Judiciary report be applicable to all the business of the convention, 678, 688

On Mr. Lee's amendment as amended, as an additional section to the report of the committee on the Legislative Department, 688, 689

On Mr. Sollers' amendment as amended, as an additional section to the report of the committee on the Legislative Department, 689, 690, 691, 692

On Mr. R. J. Brent's substitute for the last branch of the amendment of Mr. Soller's, in relation to banks, as an additional section to the report of the committee on the Legislative Department, 693, 694

On the second branch of Mr. Spencer's amendment as an additional section to the report of the committee on the Legislative Department, 695

On Mr. Bowie's amendment as an additional section to the report of the committee on the Legislative Department, 695

YEAS AND NAYS—

On the motion of Mr. Hearn, to lay on the table the motion of Mr. Howard, that no article of the constitution shall be adopted after the 10th instant, and the amendment offered by Mr. Biser, to the motion of Mr. Howard, 698, 699

On Mr. Jacob's motion to consider the report of the committee on Free Colored Population, 701, 702

On Mr. E. F. Chambers' motion to reconsider the 33rd article of the report of the committee on the Declaration of Rights, 703

On the amendment of Mr. Chambers of Kent, to the 33rd section of the Declaration of Rights, 703, 704

On the motion of Mr. Chambers of Kent, to reconsider the amendment offered by him in relation to districting the city of Baltimore, 705

On Mr. Ege's motion to suspend the rule, 706

On the adoption of the amendment as offered by Mr. Bowie, to the substitute offered by Mr. Stewart of Balt. city, for the 12th section of the report of the Judiciary committee, 709, 710

On Mr. Bowie's substitute for the amendment of Mr. Ricaud, to the 19th section of the report of the Judiciary committee, 711

On Mr. Ridgely's motion to postpone the consideration of the report of the committee on Education, 714

On Mr. Spencer's motion to postpone the report of the committee on Education and the amendments thereto, until the 1st of August, 715

On Mr. Thomas' motion to lay on the table the whole subject relative to Education, 716

On the amendment offered by Mr. McHenry, as an article to the constitution, 718

On the article submitted by Mr. Dorsey, to the report of the committee on the Militia, 720

YEAS AND NAYS—

On Mr. Bowie's motion to lay on the table the motion of Mr. McLane, to take up the report of the committee on the Treasury Department, 720

On Mr. E. F. Chambers' motion in relation to districting the city of Baltimore, 725

On Mr. Blakistone's amendment to the 4th article to the constitution as submitted by Mr. Constable, 729, 730

On the 4th article of the constitution as offered by Mr. Constable, 730

On Mr. Constable's motion to amend the 1st article of the report of the committee on Treasury Department, by filling up the blank with "twenty-five hundred," 731

On Mr. Randall's motion to amend the first article of the report of the committee on the Treasury Department, by striking out "two thousand" and inserting in lieu thereof "twenty-five hundred," 732

On Mr. Dorsey's motion to amend the 1st article of the report of the committee on the Treasury Department, by striking out the word "Comptroller," 732

On Mr. Morgan's amendment, being a substitute for the 1st section of the report of committee respecting the appointment, tenure of office, &c., 737

On Mr. Neill's resolution in favor of John W. Rider, 740

On the adoption of the amendment offered by Mr. Constable, to the 5th section of the report of the committee respecting the appointment, tenure of office, &c., 742

On the adoption of the 5th section as amended, of the report of the committee respecting the appointment, tenure of office, &c., 742

On Mr. Tuck's substitute for the 6th section of the report of the committee respecting the appointment, tenure of office, &c., 743, 744

On Mr. Bowie's motion to amend the report of the committee respecting the appointment, tenure of office, &c., 744

YEAS AND NAYS—

On Mr. Phelps' motion to lay on the table the motion of Mr. Spencer, to reconsider the vote of the convention on the 21st section of the Judiciary, 745

On Mr. John Newcomer's motion to reconsider the vote of the Convention on the amendment offered by Mr. Donaldson, as an amendment to the report of the committee on further amendments and revisions of the constitution, 745, 746

On the motion of Mr. Bowie, to reconsider the vote of the convention laying the motion of Mr. John Newcomer on the table, to reconsider the vote of the convention on the amendment offered by Mr. Donaldson, to the report of the committee on future amendments and revisions of the constitution, 746

On Mr. R. J. Brent's motion to amend the report of the committee on the Legislative Department, by adding an additional section, 747

On Mr. Hicks' amendment as an additional section to the report of the committee on the Legislative Department, 747

On Mr. Bowie's motion to amend the amendment of Mr. Donaldson, to the 3d section of the report of the committee on the Legislative Department, by striking out all after "Howard county," 748

additional section to the report of the committee on the Legislative Department, 749

On Mr. Johnson's amendment as an

On Mr. Morgan's motion to adjourn, 750

On Mr. Spencer's preamble and resolutions discharging the committee on Printing, and appointing a committee on printing with all the powers of the present committee, and of the power vested in the committee on accounts, to continue in force after the adjournment of the Convention, 753, 754

On Mr. David Stewart's motion to strike out all after the word "ballot" in the 8th line of the 1st section of the report of committee on the Elective Franchise, 754

YEAS AND NAYS—

On Mr. Spencer's motion to strike out in the 10th line of the 1st section of the report of the committee on the Elective Franchise, "Senator, Delegate or other officers," 754
755

On Mr. Dorsey's 5th amendment, as an additional section to the report of the committee on the elective franchise, 758

On Mr. Dorsey's 7th amendment, as an additional section to the report of the committee on the elective franchise, 758

On Mr. Thawley's motion to lay on the table the motion of Mr. McHenry, to allow mileage to officers of the convention, 760

On Mr. Shriver's motion to postpone indefinitely the motion of Mr. McHenry, to allow mileage to the officers of the convention, and the amendment of Mr. Hicks, 760

On Mr. Howard's motion to postpone indefinitely the motion of Mr. Jacobs, to take up the report submitted by him as chairman of the committee on free colored population, 761

On Mr. Shriver's motion to lay on the table the motion of Mr. Sprigg, to allow extra compensation, to certain officers of the convention, 761, 762

On Mr. Howard's motion to postpone until the 1st of August, the motion of Mr. Morgan, to take up the report of the committee on free colored population, 762

On Mr. Thomas' substitute for the motion of Mr. Johnson, and publication of the constitution, 763, 764

On Mr. Thawley's motion to lay on the table the resolution of Mr. Morgan in favor of George S. King, 764

On the adoption of the resolution in favor of George S. King, 764

On Mr. Shriver's motion that the convention take a recess until 9 o'clock, P. M., 765

On Mr. Spencer's motion to amend the resolution in favor of Samuel Peacock, 765

YEAS AND NAYS—

On Mr. Shriver's motion to lay on the table the resolution in favor of Samuel Peacock, 766

On Mr. Weems' motion to lay on the table Mr. Chandler's resolution in favor of Washington B. Chichester, and the amendments thereto, 767

On Mr. Dorsey's motion to suspend the rule, 769, 770

On Mr. Ricaud's motion to lay on the table, the motion of Mr. John Newcomer to reconsider the vote of the Convention allowing extra compensation to Samuel Peacock, 770

On Mr. Constable's motion to postpone until the 1st of January the motion of Mr. John Newcomer, to reconsider the the vote of the Convention allowing Samuel Peacock extra compensation, 771

On Mr. John Newcomer's motion to postpone the resolution in favor of William Hall, 771 772

On Mr. Stephenson's motion to lay on the table the order submitted by Mr. McCubbin in relation to extra compensation to be allowed certain officers of the Convention, 774

On the motion of Mr. John Newcomer to lay on the table the order submitted by Mr. Grason, allowing the President of the Convention a per diem of six dollars, 774, 775

On Mr. Shriver's motion to amend the order of Mr. Grason, allowing the President of the Convention six dollars per diem., by striking out "six," and inserting "five," 775

On the adoption of the order allowing the President of the Convention six dollars per diem., 775

On Mr. Ridgely's motion that all the officers of the Convention that have not received any extra pay, shall receive their mileage, 775

On the 28th section of the report of the committee on the Judiciary Department, as amended by the Revisory committee, 777

YEAS AND NAYS—

On Mr. Constable's motion for the previous question, 779

On the order of Mr. Howard that Mr. Tuck and Mr. Grason deposit the engrossed Constitution after its signature by the President and Secretary, in the office of the Clerk of the Court of Appeals, 780

On the motion of Mr. Stewart, of Caroline to adjourn, 780, 781

On Mr. E. F. Chambers' motion to adjourn, 781

On Mr. Howard's motion, that the engrossed constitution be now signed by the President of the convention, and attested by the Secretary thereof, 782

CONVENTION VOTE.—1850.

[OFFICIAL.]

The following is the result of the election held on the second Wednesday of May, 1850, upon the expediency of calling a Convention to Frame a New Constitution and Form of Government for this State:

COUNTIES.	For a Convention.	Against a Convention.	Blanks.....	For Reform.	Against Re- form.	Convention.	No Conven- tion.
Anne Arundel,.....	815	263	2	16	5		
Allegany,.....	1,144	55	2				
Baltimore city,.....	8,069	367	13	3	1		
Baltimore county,...	1,681	144	78				
Calvert,.....	151	159	3	1	2		
Caroline,.....	257	140	2				
Carroll,.....	982	404	1				
Cecil,.....	1,342	365	27				
Charles,.....	90	199	1				
Dorchester,	251	399	5				
Frederick,	2,793	155	16				
Harford,	881	149	4				
Kent,	323	234					
Montgomery,.....	426	222	1				
Prince George's,...	161	325				1	
Queen Anne's,....	489	328	2				
Saint Mary's,.....	129	361	6				
Somerset,.....	356	350					
Talbot,.....	393	279	10				
Washington,.....	2,713	173	3				11
Worcester,.....	460	279	1				
	23,906	5,340	177	20	8	1	11

RECAPITULATION :

For a Convention,.....	23,906
Against a Convention,.....	5,340
Blanks,.....	177
For Reform,.....	20
Against Reform,.....	8
Convention,.....	1
No Convention,.....	11

Aggregate vote cast at the election held 8th of May, 1850,.. 29,463

LIST OF DELEGATES

*To the Maryland State Convention, which assembled on
the 4th of November 1850, to Frame a New Constitution :*

COUNTIES.	NAMES OF MEMBERS.	NEAREST POST-OFFICE.
Saint Mary's,.....	George C. Morgan,..... William J. Blakistone,.. John F. Dent,..... J. R. Hopewell,.....	Leonardtown. Milestown. " Great Mills.
Kent,.....	James B. Ricaud,..... John Lee,..... Ezekiel F. Chambers,.. Joseph T. Mitchell,.....	Chestertown. Millington. Chestertown. Rockhall.
Anne Arundel,...	Thomas Donaldson,..... Thomas B. Dorsey,..... George Wells,..... Alexander Randall,..... James Kent,..... John S. Sellman,.....	Elk-Ridge Landing. Ellicott's Mills. Annapolis. " Bristol. Governor's Bridge.
Calvert,	George W. Weems,..... J. J. Dalrymple,..... John Bond,..... A. R. Sollers,.....	Lower Marlboro'. Prince Frederick. Port Republic. Prince Frederick.
Charles,.....	George Brent,..... John G. Chapman,..... William D. Merrick,..... Daniel Jenifer,.....	Port Tobacco. " Allen's Fresh. Port Tobacco.
Baltimore,.....	Benjamin C. Howard,.. James M. Buchanan,.... Ephraim Bell,..... Thomas J. Welch,..... H. J. Chandler,..... James L. Ridgely,.....	Pikesville. Baltimore city. Maryland Line. Catonsville. Hereford. Baltimore city.

LIST OF DELEGATES—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	NEAREST POST-OFFICE.
Talbot,.....	Edward Lloyd,..... S. P. Dickinson,..... C. Sherwood,.. .. M. O. Colston,.....	Easton. Trappe. Wye Mills. Royal Oak.
Somerset,.....	John Dennis,..... James U. Dennis,..... J. W. Crisfield,..... J. J. Dashiell,..... William Williams,.....	Princess Anne. Wagram, Va. Princess Anne. Salisbury. Kingston.
Dorchester,.....	Thomas H. Hicks,..... John H. Hodson,..... Wm. T. Goldsborough,.. J. R. Eccleston,..... Francis P. Phelps,.....	Cambridge. East New Market. Cambridge. “ “
Cecil,.....	Albert Constable,..... B. B. Chambers,..... William McCullough,.. John M. Miller,..... Louis McLane,.....	Perryville. Chesapeake City. Brick Meeting House. Elkton. Cecilton.
Prince George's,..	Thomas F. Bowie,..... William H. Tuck,..... Samuel Sprigg,..... John M. S. McCubbin,.. J. D. Bowling,.....	Upper Marlboro'. “ Bladensburg. Nottingham. “
Queen Anne's,...	William A. Spencer,.... William Grason,..... Enoch George,..... Henry E. Wright,.....	Centreville. Queenstown. Sudlersville. Centreville.
Worcester,.....	L. L. Dirickson,..... S. S. McMaster,..... E. Hearn,..... James M. Fooks,..... Curtis W. Jacobs,.....	Berlin. New Town. “ Salisbury. St. Martins.
Frederick,.....	Francis Thomas,..... Edward Shriver,..... William Cost Johnson,.. John D. Gaither,..... Daniel S. Biser,..... Robert Annan,.....	Fredericktown. “ Jefferson. Unionville. Burkitsville. Emmitsburg.

LIST OF DELEGATES—(Continued.)

COUNTIES.	NAMES OF MEMBERS.	NEAREST POST-OFFICE.
Harford,	John Sappington, W. B. Stephenson, R. McHenry, Samuel M. Magraw, James Nelson,	Darlington. Rock Run. Abingdon. Bel-Air. Shawsville.
Caroline,	R. C. Carter, John Thawley, Thomas R. Stewart, Edward Hardcastle,	Denton. Bridgetown. Denton. Upper Hunting Creek.
Baltimore city,	Charles J. M. Gwinn, David Stewart, Robert J. Brent, George W. Sherwood, Benjamin C. Presstman, Elias Ware, Jr.,	Baltimore city. “ “ “ “ “
Washington,	George Schley, Lewis P. Fiery, Alexander Neill, Jr., John Newcomer, Thomas Harbine, Michael Newcomer,	Hagerstown. Clearspring. Hagerstown. Bannevola. Hagerstown. Beaver Creek.
Montgomery,	J. M. Kilgour, Allen Bowie Davis, Washington Waters, John Brewer, James W. Anderson,	Rockville. Triadelphia. Clarksburg. Rockville. “
Allegany,	William Weber, William M. Hollyday, John Slicer, James Fitzpatrick, Samuel P. Smith,	Cumberland. Selbysport. “ Old Town. Cumberland.
Carroll,	Joseph M. Parke, Andrew G. Ege, M. G. Cockey, Jacob Shower, Elias Brown,	Westminster. Taneytown. Finksburg. Manchester. Marriottsville.

OFFICERS OF THE CONVENTION :

JOHN G. CHAPMAN, President, Charles county.
 George G. Brewer, Secretary, Annapolis.
 Washington B. Chichester, Assistant Secretary, Montgomery Co.
 John W. Rider, Financial Clerk, Somerset county.
 Joseph Morritz, Committee Clerk, Frederick county.
 Jas. C. Marriott, " Baltimore county.
 Rob't P. Lecompte, " Dorchester county.
 Samuel Peacock, " Kent county.
 Geo. S. King, " Saint Mary's county.
 Geo. W. Dowell, " Calvert county.
 William Hall, Post Master, Prince George's county.
 Richard R. Booth, Sergeant-at-Arms, Carroll county.
 Stewart T. Herbert, Door Keeper, Washinton county.
 Samuel J. Lamden, " Worcester county.
 John Sullivan, Page, Annapolis.
 Wm. Grason Duvall, Page, Annapolis.

STANDING COMMITTEES.

Committee to consider and report a Declaration of Rights :

Messrs. Dorsey, Williams, Biser, Blakistone,	Messrs. Parke, Hodson, Wright. GEO. S. KING, Cl'k.
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Committee to consider and report respecting the Executive Department:

Messrs. Grason, Sprigg, Jenifer, Bell,	Messrs. Goldsborough, Hearn, Hollyday. R. P. LECOMPTE, Cl'k.
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Committee to consider and report respecting the Legislative Department:

Messrs. Johnson, Phelps, Presstman, Morgan,	Messrs. Kilgour, McCullough, Carter. S. PEACOCK, Cl'k.
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Committee to consider and report respecting the Judiciary Department, embracing Common Law Courts, Courts of Equity, Orphans' Courts, Magistrates Courts and Justices of the Peace, and the mode of Appointment and Tenure of Office :

Messrs. Bowie, Thomas, Crisfield, Buchanan, Randall, Stewart of Balt., Ricaud,	Messrs. Constable, Brent, of Charles, Spencer, Schley, Eccleston, Anderson, GEO. S. KING, Cl'k.
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Committee to consider and report respecting the Treasury Department:

Messrs. McLane, Donaldson, Nelson, Neill,	Messrs. Bowling, Sherwood, of Talbot, Dashiell. S. PEACOCK, Cl'k.
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Committee to consider and report respecting the office of Attorney General and his Deputies :

Messrs. Shriver, Dalrymple, Brewer, Fiery,	Messrs. Miller, Cockey, Colston. G. W. DOWELL, Cl'k.
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Committee to consider and report respecting the Appointment, Tenure of Office, Duties and Compensation of all Civil Officers not embraced in the duties of other standing committees :

Messrs. Tuck, Brent, of Balt , Dent, Weber,	Messrs. Dennis, James U. McHenry, Lee. S. PEACOCK, Cl'k.
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Committee to consider and report respecting the Elective Franchise:

Messrs. Chambers, of Kent, Brown, Hicks, Weems,	Messrs. Thawley, Newcomer, John Slicer. G. W. DOWELL, Cl'k.
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Committee to consider and report respecting the regulation of Inspections :

Messrs. Sellman, Hopewell, Newcomer, Michael Fooks,	Messrs. Ware, Annan, Chambers of Cecil. J. MORITZ, Clerk.
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Committee to consider and report respecting the power of the Legislature on Corporations, Municipal and others, and on the power of the Legislature to create Debt :

Messrs. Wells, Ridgely, Dirickson, Stewart of Caroline,	Messrs. Waters, Sherwood of Balt. Mitchell. J. C. MARRIOTT, Cl'k.
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Committee to consider and report respecting Education:

Messrs. Smith, Davis, Magraw, McCubbin,	Messrs. Chandler, McMaster, George. R. P. LECOMPTE, Cl'k.
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Committee to consider and report respecting the Militia and Military Affairs :

Messrs. Howard, Hearn, Shower, Bond,	Messrs. Dickinson, Stephenson, Schley. J. MORITZ, Clerk.
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Committee to consider and report respecting future Amendments and Revisions of the constitution :

Messrs. Sollers, Fitzpatrick, Jacobs, Sappington,	Messrs. Gaither, Hardcastle, Welch. J. MORITZ, Cl'k.
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Committee to consider and report such Provisions proper to be embodied in a constitution for the State, as are not embraced in the duties of the foregoing committees :

Messrs. Jenifer, McLane, Dorsey, Brent, of Balt. city,	Messrs. Blakistone, Johnson, Grason. J. C. MARRIOTT, Cl'k.
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Committee to consider and report a proper Basis of Representation in the two Houses of the General Assembly, and a proper apportionment of Representation in the same :

Messrs. Merrick, Howard, Chambers, of Kent, Gwinn, Ege,	Messrs. Lloyd, Dennis, John Farbine, Kent. GEO. S. KING, Cl'k.
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Committee on Accounts :

Messrs. Wells, Williams, Lloyd,	Messrs. Neill, Ware. JOHN W. RIDER, Cl'k.
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Committee on Printing:

Messrs. Stewart of Balt. Bowie, Randall, Johnson,	Messrs. Spencer, Ricaud, Weber. S. PEACOCK, Cl'k.
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THE
C O N S T I T U T I O N
OF THE
STATE OF MARYLAND,
REPORTED AND ADOPTED BY THE
CONVENTION OF DELEGATES

ASSEMBLED AT THE
CITY OF ANNAPOLIS, NOVEMBER 4th, 1850.

AND SUBMITTED TO
The Voters of the State for their Adoption or Rejection,
ON THE
FIRST WEDNESDAY OF JUNE, 1851.

ANNAPOLIS:
RILEY AND DAVIS, PRINTERS.
.....
1851.

DECLARATION OF RIGHTS AND NEW CONSTITUTION.

DECLARATION OF RIGHTS.

WE, the People of the State of Maryland, grateful to Almighty God for our civil and religious liberty, and taking into our serious consideration the best means of establishing a good Constitution in this State, for the sure foundation and more permanent security thereof,

DECLARE :

ARTICLE 1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole; and they have at all times according to the mode prescribed in this Constitution, the unalienable right to alter, reform, or abolish their form of Government, in such manner as they may deem expedient.

ART. 2. That the people of this State ought to have the sole and exclusive right of regulating the internal government and police thereof.

ART. 3. That the inhabitants of Maryland are entitled to the commonlaw of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed on the fourth day of July seventeen hundred and seventy-six, and which by experience have been found applicable to their local and other circumstances, and have been introduced, used and practiced by the courts of law or equity, and also of all acts of Assembly in force on the first Monday of November, eighteen hundred and fifty, except such as may have since expired, or may be altered by this Constitution, subject, nevertheless, to the revision of, and amendment or repeal by the Legislature of this State; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his Majesty Charles the First, to Cæcilius Calvert, Baron of Baltimore.

ART. 4. That all persons invested with the Legislative or Executive powers of government are the trustees of the public, and as such accountable for their conduct; wherefore, whenever the

ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old or establish a new government; the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

ART. 5. That the right of the people to participate in the Legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every free white male citizen having the qualifications prescribed by the Constitution, ought to have the right of suffrage.

ART. 6. That the legislative, executive and judicial powers of government ought to be forever separate and distinct from each other; and no person exercising the functions of one of said departments, shall assume or discharge the duties of any other.

ART. 7. That no power of suspending laws, or the execution of laws, unless by or derived from the Legislature, ought to be exercised or allowed.

ART. 8. That freedom of speech and debate or proceedings in the Legislature, ought not to be impeached in any court of judicature.

ART. 9. That Annapolis be the place for the meeting of the Legislature; and the Legislature ought not to be convened or held at any other place but from evident necessity.

ART. 10. That for the redress of grievances, and for amending, strengthening and preserving the laws, the Legislature ought to be frequently convened.

ART. 11. That every man hath a right to petition the Legislature for the redress of grievances in a peaceable and orderly manner.

ART. 12. That no aid, charge, tax, burthen, or fees, ought to be rated or levied, under any pretence, without the consent of the Legislature.

ART. 13. That the levying of taxes by the poll is grievous and oppressive and ought to be abolished; that paupers ought not to be assessed for the support of Government, but every other person in the State, or person holding property therein, ought to contribute his proportion of public taxes, for the support of Government, according to his actual worth in real or personal property; yet fines, duties or taxes may properly and justly be imposed or laid, on persons or property, with a political view, for the good government and benefit of the community.

ART. 14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the State; and no law to inflict cruel and unusual pains and penalties ought to be made, in any case, or at any time hereafter.

ART. 15. That retrospective laws, punishing acts committed before the existence of said laws, and by them only declared

criminal, are oppressive, unjust and incompatible with liberty ; wherefore, no ex post facto law ought to be made.

ART. 16. That no law to attain particular persons of treason or felony, ought to be made in any case, or at any time hereafter.

ART. 17. That every free man, for any injury done to him in his person or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial, and speedily without delay, according to the law of the land.

ART. 18. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.

ART. 19 That in all criminal prosecutions, every man hath a right to be informed of the accusation against him ; to have a copy of the indictment or charge, in due time, (if required) to prepare for his defence ; to be allowed counsel, to be confronted with the witnesses against him ; to have process for his witnesses ; to examine the witnesses for and against him on oath ; and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

ART. 20. That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practiced in this State or may hereafter be directed by the Legislature.

ART. 21. That no free man ought to be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land ; *pravipect*, that nothing in this article shall be so construed as to prevent the Legislature from passing all such laws for the government, regulation and disposition of the free colored population of this State as they may deem necessary.

ART. 22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment inflicted by the courts of law.

ART. 23 That all warrants, without oath, or affirmation, to search suspected places, or to seize any person or property, are grievous and oppressive ; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal and ought not to be granted.

ART. 24 That no conviction shall work corruption of blood, or forfeiture of estate.

ART. 25 That a well regulated militia is the proper and natural defence of a free Government.

ART. 26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

ART. 27. That in all cases and at all times the military ought to be under strict subordination to, and control of the civil power.

ART. 28. That no soldier ought to be quartered in any house in time of peace without the consent of the owner, and in time of war, in such manner only as the Legislature shall direct.

ART. 29. That no person except regular soldiers, mariners and marines, in the service of this State, or militia, when in actual service, ought in any case to be subject to, or punishable by martial law.

ART. 30. That the independency and uprightness of Judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people ; wherefore the Judges shall not be removed except for misbehaviour, on conviction in a court of law, or by the Governor, upon the address of the General Assembly ; *provided*, that two-thirds of all the members of each House, concur in such address ; no Judge shall hold any other office, civil or military, or political trust or employment of any kind whatsoever, under the Constitution or Laws of this State, or of the United States, or any of them, or receive fees or perquisites of any kind for the discharge of his official duties.

ART. 31. That a long continuance in the executive departments of power or trust, is dangerous to liberty ; a rotation, therefore, in those departments is one of the best securities of permanent freedom.

ART. 32. That no person ought to hold at the same time more than one office of profit, created by the Constitution or Laws of this State ; nor ought any person in public trust to receive any present from any Foreign Prince, or State, or from the United States, or any of them, without the approbation of this State.

ART. 33. That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty ; wherefore, no person ought, by any law, to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice, unless under color of religion, any man shall disturb the good order, peace or safety of the State, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights ; nor ought any person to be compelled to frequent or maintain or contribute, unless on contract, to maintain any place of worship or any ministry ; nor shall any person be deemed incompetent as a witness or juror, who believes in the existence of a God, and that under his dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor, either in this world or the world to come.

ART. 34. That no other test or qualification ought to be required on admission to any office of trust or profit than such oath of office as may be prescribed by this constitution, or by the laws

of the State, and a declaration of belief in the christian religion; and if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards and punishments.

ART. 35. That every gift, sale or devise of land, to any minister, public teacher or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in trust for any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order or denomination, and every gift or sale of goods or chattels to go in succession, or take place after the death of the seller or donor, to or for such support, use or benefit; and, also, every devise of goods or chattels, to or for the support, use or benefit of any minister, public teacher or preacher of the gospel, as such, or any religious sect, order or denomination, without the leave of the Legislature, shall be void; except always, any sale, gift, lease or devise of any quantity of land, not exceeding five acres for a church, meeting house or other house of worship, or parsonage, or for a burying ground, which shall be improved, enjoyed or used only for such purpose; or such sale, gift, lease or devise shall be void.

ART. 36. That the manner of administering an oath or affirmation to any person ought to be such as those of the religious persuasion, profession or denomination of which he is a member, generally esteem the most effectual confirmation by the attestation of the Divine Being.

ART. 37. That the city of Annapolis, ought to have all its rights, privileges and benefits, agreeable to its Charter, and the Acts of Assembly confirming and regulating the same; subject to such alterations as have been or as may be made by the Legislature.

ART. 38. That the liberty of the press ought to be inviolably preserved.

ART. 39. That monopolies are odious, contrary to the spirit of a free government and the principles of commerce, and ought not to be suffered.

ART. 40. That no title of nobility or hereditary honors ought to be granted in this State.

ART. 41. That the Legislature ought to encourage the diffusion of knowledge and virtue, the promotion of literature, the arts, sciences, agriculture, commerce and manufactures, and the general melioration of the condition of the people.

ART. 42. This enumeration of rights shall not be construed to impair or deny others retained by the people.

ART. 43. That this constitution shall not be altered, changed or abolished, except in the manner therein prescribed and directed.

CONSTITUTION.

ARTICLE I.—ELECTIVE FRANCHISE.

SECTION 1. Every free white male person of twenty-one years of age or upwards, who shall have been one year next preceding the election a resident of the State, and for six months a resident of the city of Baltimore, or of any county in which he may offer to vote, and being at the time of the election a citizen of the United States, shall be entitled to vote in the ward or election district in which he resides, in all elections hereafter to be held, and at all such elections the vote shall be taken by ballot. And in case any county or city shall be so divided as to form portions of different electoral districts for the election of Congressmen, Senator, delegate or other officer or officers, then to entitle a person to vote for such officer, he must have been a resident of that part of the county or city which shall form a part of the electoral district in which he offers to vote, for six months next preceding the election, but a person who shall have acquired a residence in such county or city entitling him to vote at any such election, shall be entitled to vote in the election district from which he removed, until he shall have acquired a residence in the part of the county or city to which he has removed.

SEC. 2. That if any person shall give, or offer to give directly or indirectly, any bribe, present or reward, or any promise, or any security for the payment or delivery of money or any other thing, to induce any voter to refrain from casting his vote, or forcibly to prevent him in any way from voting, or to obtain or procure a vote for any candidate or person proposed or voted for, as elector of President and Vice President of the United States, or Representative in Congress, or for any office of profit or trust created by the constitution or laws of this State, or by the ordinances or authority of the Mayor and City Council of Baltimore, the person giving or offering to give, and the person receiving the same, and any person who gives or causes to be given an illegal vote, knowing it to be so, at any election to be hereafter held in this State, shall on conviction in a court of law, in addition to the penalties now or hereafter to be imposed by law, be forever disqualified to hold any office of profit or trust, or to vote at any election thereafter.

SEC. 3. It shall be the duty of the General Assembly of Maryland, to pass laws to punish with fine and imprisonment, any person who shall remove into any election district or ward of the city of Baltimore, not for the purpose of acquiring a bona fide residence therein, but for the purpose of voting therein at an approaching election, or who shall vote in any election district or ward in which he does not reside, (except in the case provided for in the first article of the constitution,) or shall, at the same election, vote in more than one election district or ward, or shall vote or offer to vote in any name not his own, or in place of any other person of the same name, or shall vote in any county in which he does not reside.

SEC. 4. Every person elected or appointed to any office of profit or trust under the constitution or laws made pursuant thereto, before he shall enter upon the duties of such office shall take and subscribe the following oath or affirmation: I, A. B. do swear (or affirm, as the case may be,) that I will support the constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland, and support the constitution and laws thereof; that I will to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of ——— according to the constitution and laws of this State, and that since the adoption of the present constitution, I have not, in any manner violated the provisions thereof in relation to bribery of voters or preventing legal or procuring illegal votes to be given; (and if a Governor, Senator, member of the House of Delegates or Judge) “that I will not directly or indirectly receive the profits or any part of the profits of any other office during the time of my acting as ———.” And if any person elected or appointed to office as aforesaid, shall refuse or neglect to take the said oath or affirmation, he shall be considered as having refused to accept the said office, and a new election or appointment shall be made as in case of refusal or resignation, and any person swearing or affirming falsely in the premises, shall, on conviction thereof in a court of law, incur the penalties for wilful and corrupt perjury, and be thereafter incapable of voting at any election, and also incapable of holding any office of profit or trust in this State.

SEC. 5. That no person above the age of twenty-one years, convicted of larceny or other infamous crime, unless he shall be pardoned by the Executive, shall ever hereafter be entitled to vote at any election in this State, and no person under guardianship as a lunatic, or as a person non compos mentis shall be entitled to vote.

ARTICLE II.—EXECUTIVE DEPARTMENT.

SECTION 1. The Executive power of the State shall be vested in a Governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified.

SEC. 2. The first election for Governor under this constitution shall be held on the first Wednesday of November, in the year eigh-

teen hundred and fifty-three, and on the same day and month in every fourth year thereafter, at the places of voting for delegates to the General Assembly, and every person qualified to vote for delegates shall be qualified and entitled to vote for governor; the election to be held in the same manner as the election of delegates, and the returns thereof, under seal, to be addressed to the speaker of the House of Delegates, and enclosed and transmitted to the Secretary of State, and delivered to the said speaker, at the commencement of the session of the legislature next ensuing said election.

SEC. 3. The Speaker of the House of Delegates, shall then open the said returns in the presence of both Houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the Governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

SEC. 4. If two or more persons shall have the highest and an equal number of votes, one of them shall be chosen Governor by the Senate and House of Delegates; and all questions in relation to the eligibility of Governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the House of Delegates. And if the person, or persons, having the highest number of votes be ineligible, the Governor shall be chosen by the Senate and House of Delegates. Every election of Governor by the Legislature, shall be determined by a joint majority of the Senate and House of Delegates, and the vote shall be taken viva voce. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the votes should again be equal, then the election of Governor shall be determined by lot between those who shall have the highest and an equal number on the first vote.

SEC. 5. The State shall be divided into three districts; St. Mary's, Charles, Calvert, Prince George's, Anne Arundel, Montgomery and Howard counties, and the city of Baltimore, to be the first; the eight counties of the Eastern Shore to be the second; and Baltimore, Harford, Frederick, Washington, Allegany and Carroll counties, to be the third. The Governor elected from the third district in October last, shall continue in office during the term for which he was elected. The Governor shall be taken from the first district, at the first election of Governor under this Constitution; from the second district at the second election, and from the third district at the third election, and in like manner, afterwards, from each district, in regular succession.

SEC. 6. A person to be eligible to the office of Governor, must have attained the age of thirty years, and been for five years a citizen of the United States, and for five years next preceding his election a resident of the State, and for three years a resident of the district from which he was elected.

SEC. 7. In case of the death or resignation of the Governor, or of his removal from the State, the General Assembly, if in session, or if not, at their next session, shall elect some other qualified resi-

dent of the same district, to be the Governor for the residue of the term for which the said Governor had been elected.

SEC. 8. In case of any vacancy in the office of Governor during the recess of the Legislature, the President of the Senate shall discharge the duties of said office till a Governor is elected as herein provided for; and in case of the death or resignation of said President, or of his removal from the State, or of his refusal to serve, then the duties of said office shall, in like manner and for the same interval, devolve upon the Speaker of the House of Delegates, and the Legislature may provide by law for the case of impeachment or inability of the Governor, and declare what person shall perform the executive duties during such impeachment or inability; and for any vacancy in said office not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the Legislature shall be convened by the Secretary of State for the purpose of filling said vacancy.

SEC. 9. The Governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the Legislature.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall nominate, and by and with the advice and consent of the Senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.

SEC. 12. In case of any vacancy during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force till the end of the next session of the Legislature, or till some other person is appointed to the same office, whichever shall first occur, and the nomination of the person thus appointed during the recess, or of some other person in his place, shall be made to the Senate within thirty days after the next meeting of the Legislature.

SEC. 13. No person after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or be appointed to the same office during the recess of the Legislature.

SEC. 14. All civil officers appointed by the Governor and Senate, shall be nominated to the Senate within fifty days from the commencement of each regular session of the Legislature; and their term of office shall commence on the first Monday of May next ensuing their appointment, and continue for two years (unless sooner removed from office,) and until their successors respectively, qualify according to law.

SEC. 15. The Governor may suspend or arrest any military officer of the State, for disobedience of orders, or other military offence, and may remove him in pursuance of the sentence of a court mar-

tial; and may remove for incompetency or misconduct, all civil officers who receive appointments from the executive for a term not exceeding two years.

SEC. 16. The Governor may convene the Legislature or the Senate alone, on extraordinary occasions; and whenever from the presence of an enemy, or from any other cause, the seat of government shall become an unsafe place for the meeting of the Legislature, he may direct their sessions to be held at some other convenient place.

SEC. 17. It shall be the duty of the Governor, semi-annually and oftener if he deem it expedient, to examine the bank book, account books and official proceedings of the Treasurer and Comptroller of the State.

SEC. 18. He shall, from time to time, inform the Legislature of the condition of the State, and recommend to their consideration such measures as he may judge necessary and expedient.

SEC. 19. He shall have power to grant reprieves and pardons, except in cases of impeachment, and in cases in which he is prohibited by other articles of this constitution, and to remit fines and forfeitures for offences against the State; but shall not remit the principal or interest of any debt due to the State except in cases of fines and forfeitures; and before granting a nolle prosequi, or pardon, he shall give notice in one or more newspapers of the application made for it, and of the day, on or after which his decision will be given; and in every case in which he exercises this power, he shall report to either branch of the Legislature, whenever required, the petitions, recommendations and reasons, which influence his decision.

SEC. 20. The Governor shall reside at the seat of government, and shall receive for his services and annual salary of thirty-six hundred dollars.

SEC. 21. When the public interest requires it, he shall have power to employ counsel, who shall be entitled to such compensation as the Legislature may allow, in each case after the services of such counsel shall have been performed.

SEC. 22. A Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office, unless sooner removed by the Governor, till the end of the official term of the Governor from whom he received his appointment, and shall receive an annual salary of one thousand dollars.

SEC. 23. He shall carefully keep and preserve a record of all official acts and proceedings, (which may, at all times, be inspected by a committee of either branch of the Legislature,) and shall perform such other duties as may be prescribed by law, or as may properly belong to his office.

ARTICLE III—LEGISLATIVE DEPARTMENT.

SECTION 1. The legislature shall consist of two distinct Branches, a Senate and a House of Delegates, which shall be styled "The General Assembly of Maryland."

SEC. 2. Every county of the State, and the city of Baltimore, shall be entitled to elect one Senator, who shall be elected by the qualified voters of the counties and city of Baltimore, respectively, and who shall serve for four years from the day of their election.

SEC. 3. The Legislature at its first session after the returns of the National Census of eighteen hundred and sixty, are published, and in like manner after each subsequent census, shall apportion the members of the House of Delegates among the several counties of the State, according to the population of each, and shall always allow to the city of Baltimore four more delegates than are allowed to the most populous county, but no county shall be entitled to less than two members nor shall the whole number of delegates ever exceed eighty or be less than sixty-five; and until the apportionment is made under the census of eighteen hundred and sixty, St. Mary's county shall be entitled to two delegates; Kent two; Anne Arundel three; Calvert two; Charles two; Baltimore county six; Talbot two; Somerset four; Dorchester three; Cecil three; Prince George's three; Queen Anne's two; Worcester three; Frederick six; Harford three; Caroline two; Baltimore city ten; Washington five; Montgomery two; Allegany four; Carroll three and Howard two.

SEC. 4. The members of the House of Delegates shall be elected by the qualified voters of the counties and the city of Baltimore respectively, to serve for two years from the day of their election.

SEC. 5. The first election for delegates shall take place on the first Wednesday of November, eighteen hundred and fifty-one; and the election for delegates, and for one half of the senators as nearly as practicable, shall be held on the same day in every second year thereafter, but an election for senators shall be held in the year eighteen hundred and fifty-one in Howard county and all those counties in which senators were elected in the year eighteen hundred and forty-six.

SEC. 6. Immediately after the Senate shall have convened after the first election under this constitution, the senators shall be divided by lot, into two classes, as nearly equal in number as may be; the senators of the first class shall go out of office at the expiration of two years, and senators shall be elected on the first Wednesday of November eighteen hundred and fifty-three, for the term of four years, to supply their places; so that, after the first election, one-half of the senators may be chosen every second year; *provided*, that in no case shall any senator be placed in a class which shall entitle him to serve for a longer term than that for which he was elected. In case the number of senators be here-

after increased, such classification of the additional senators shall be made as to preserve as nearly as may be an equal number in each class.

SEC. 7. The General Assembly shall meet on the first Wednesday of January, eighteen hundred and fifty-two, on the same day in the year eighteen hundred and fifty-three, and on the same day in the year eighteen hundred and fifty-four, and on the same day in every second year thereafter, and at no other time, unless convened by the Proclamation of the Governor.

SEC. 8. The General Assembly may continue their first two sessions after the adoption of this constitution, as long as in the opinion of the two Houses, the public interests may require it, but all subsequent regular sessions of the General Assembly shall be closed on the tenth day of March next ensuing the time of their commencement, unless the same shall be closed at an earlier day by the agreement of the two Houses.

SEC. 9. No person shall be eligible as a Senator or Delegate who, at the time of his election, is not a citizen of the United States, and who has not resided at least three years next preceding the day of his election in this State, and the last year thereof in the county or city which he may be chosen to represent, if such county or city shall have been so long established, and if not then in the county from which, in whole or in part, the same may have been formed; nor shall any person be eligible as a Senator, unless he shall have attained the age of twenty-five years, nor as a Delegate, unless he shall have attained the age of twenty-one years at the time of his election.

SEC. 10. No member of Congress, or persons holding any civil or military office under the United States, shall be eligible as a Senator or Delegate, and if any person shall, after his election as a Senator or Delegate, be elected to Congress, or be appointed to any office, civil or military, under the government of the United States, his acceptance thereof shall vacate his seat.

SEC. 11. No Minister or Preacher of the gospel, of any denomination, and, no person holding any civil office of profit or trust under this State, except justices of the peace, shall be eligible as Senator or Delegate.

SEC. 12. Each House shall be judge of the qualifications and elections of its members, subject to the laws of the State, appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behaviour, and with the consent of two-thirds expel a member; but no member shall be expelled a second time for the same offence.

SEC. 13. A majority of each House shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as each House may prescribe.

SEC. 14. The doors of each House and of committees of the whole shall be open, except when the business is such as ought to be kept secret.

SEC. 15. Each House shall keep a journal of its proceedings, and cause the same to be published. The yeas and nays of members on any question shall, at the call of any five of them, in the House of Delegates or one in the Senate, be entered on the journal.

SEC. 16. Neither House shall, without the consent of the other, adjourn for more than three days; nor to any other place than that in which the House shall be sitting, without the concurrent vote of two-thirds of the members present.

SEC. 17. The style of all laws of this State, shall be, "Be it enacted by the General Assembly of Maryland," and all laws shall be passed by original bill, and every law enacted by the legislature shall embrace but one subject, and that shall be described in the title, and no law or section of law shall be revived, amended or repealed by reference to its title or section only; and it shall be the duty of the legislature at the first session after the adoption of this constitution, to appoint two commissioners learned in the law, to revise and codify the laws of this State; and the said commissioners shall report the said code, so formed, to the legislature, within a time to be by it determined, for its approval, amendment or rejection, and if adopted after the revision and codification of the said laws, it shall be the duty of the legislature in amending any article or section thereof to enact the same as the said article or section would read when amended. And whenever the legislature shall enact any public general law, not amendatory of any section or article in the said code, it shall be the duty of the legislature to enact the same in Articles and Sections, in the same manner as the said code may be arranged; and to provide for the publication of all additions and alterations which may be made to the said code, and it shall also be the duty of the legislature to appoint one or more commissioners learned in the law, whose duty it shall be, to revise, simplify and abridge the rules of practice, pleadings, forms of conveyancing, and proceedings of the Courts of Record in this State.

SEC. 18. Any bill may originate in either House of the General Assembly, and be altered, amended or rejected by the other, but no bill shall originate in either House during the last three days of the session or become a law, until it be read on three different days of the session in each House, unless three-fourths of the members of the House, where such bill is pending, shall so determine.

SEC. 19. No bill shall become a law unless it be passed in each House by a majority of the whole number of members elected, and on its final passage the ayes and noes be recorded.

SEC. 20. No money shall be drawn from the Treasury of the State, except in accordance with an appropriation made by law

and every such law shall distinctly specify the sum appropriated and the object to which it shall be applied; *provided*, that nothing herein contained shall prevent the Legislature from placing a contingent fund at the disposal of the Executive, who shall report to the Legislature at each session the amount expended and the purposes to which it was applied; an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws after each regular session of the General Assembly.

SEC. 21. No divorce shall be granted by the General Assembly.

SEC. 22. No debt shall hereafter be contracted by the legislature, unless such debt shall be authorised by a law providing for the collection of an annual tax or taxes sufficient to pay the interest on such debt as it falls due, and to discharge the principal thereof, within fifteen years from the time of contracting the same, and the taxes laid for this purpose shall not be repealed or applied to any other object until the said debt and the interest thereon shall be fully discharged, and the amount of debts so contracted and remaining unpaid shall never exceed one hundred thousand dollars. The credit of the State shall not, in any manner, be given or loaned to or in aid of any individual, association or corporation, nor shall the General Assembly have the power, in any mode, to involve the State in the construction of works of Internal Improvement, or in any enterprise which shall involve the faith or credit of the State, or make any appropriations therefor. And they shall not use or appropriate the proceeds of the Internal Improvement companies, or of the State tax now levied, or which may hereafter be levied, to pay off the public debt, to any other purpose, until the interest and debt are fully paid, or the sinking fund shall be equal to the amount of the outstanding debt; but the legislature may, without laying a tax, borrow an amount never to exceed fifty thousand dollars, to meet temporary deficiencies in the Treasury, and may contract debts to any amount that may be necessary for the defence of the State.

SEC. 23. No extra compensation shall be granted or allowed by the General Assembly to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract entered into. Nor shall the salary or compensation of any public officer be increased or diminished during his term of office.

SEC. 24. No senator or delegate, after qualifying as such, shall, during the term for which he was elected, be eligible to any office which shall have been created, or the salary or profits of which shall have been increased, during such term, or shall, during said term, hold any office or receive the salary or profits of any office, under the appointment of the Executive or Legislature.

SEC. 25. Each House may punish, by imprisonment, during the session of the General Assembly, any person not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings or any of its officers in the execution of their duties; *provided*, such imprisonment shall not, at any one time, exceed ten days.

SEC. 26. The members of each House shall, in all cases, except treason, felony or other criminal offence, be privileged from arrest during their attendance at the session of the General Assembly, and in going to and returning from the same, allowing one day for every thirty miles such member may reside from the place at which the General Assembly is convened.

SEC. 27. No senator or delegate shall be liable, in any civil action or criminal prosecution whatever, for words spoken in debate.

SEC. 28. The House of Delegates may enquire, on the oath of witnesses, into all complaints, grievances and offences, as the Grand Inquest of the State, and may commit any person for any crime to the public jail, there to remain until discharged by due course of law—they may examine and pass all accounts of the State, relating either in the collection or expenditure of the revenue, and appoint auditors to state and adjust the same—they may call for all public or official papers and records, and send for persons whom they may judge necessary in the course of their enquiries concerning affairs relating to the public interest, and may direct all office bonds which shall be made payable to the State, to be sued for any breach of duty.

SEC. 29. In case of death, disqualification, resignation, refusal to act, expulsion or removal from the county or city for which he shall have been elected, of any person who shall have been chosen as a delegate or senator, or in case of a tie between two or more such qualified persons, a warrant of election shall be issued by the Speaker of the House of Delegates or President of the Senate, as the case may be, for the election of another person in his place, of which election, not less than ten days notice shall be given exclusive of the day of the publication of the notice and of the day of election; and in case of such resignation, or refusal to act being communicated in writing to the Governor, by the person making it, or if such death occur during the legislative recess and more than ten days before its termination, it shall be the duty of the Governor to issue a warrant of election to supply the vacancy thus created in the same manner that the said Speaker or President might have done during the session of the Legislature; *provided, however*, that unless a meeting of the General Assembly may intervene, the election thus ordered to fill such vacancy shall be held on the day of the ensuing election for delegates and senators.

SEC. 30. The senators and delegates shall receive a per diem of four dollars and such mileage as may be allowed by law, and the

presiding officer of each House, shall be allowed an addition of one dollar per day. No book or other printed matter not appertaining to the business of the session, shall be purchased or subscribed for, for the use of the members or be distributed among them, at the public expense.

SEC. 31. No law passed by the General Assembly, shall take effect until the first day of June next, after the session at which it may be passed, unless it be otherwise expressly declared therein.

SEC. 32. No law shall be passed creating the office of Attorney General.

SEC. 33. The General Assembly shall have full power to exclude from the privilege of voting at elections, or of holding any civil or military office in this State, any person who may thereafter be convicted of perjury, bribery or other felony, unless such person shall have been pardoned by the Executive.

SEC. 34. Every bill when passed by the General Assembly and sealed with the Great Seal, shall be presented to the Governor, who shall sign the same in the presence of the presiding officers, and chief clerks of the Senate and House of Delegates. Every law shall be recorded in the office of the Court of Appeals, and in due time be printed, published and certified under the great seal to the several courts in the same manner as has been heretofore usual in this State.

SEC. 35. No person who may hereafter be a collector, receiver or holder of public moneys shall be eligible as Senator or Delegate, or to any office of profit or trust under this State, until he shall have accounted for and paid into the Treasury all sums on the books thereof, charged to and due by him.

SEC. 36. Any citizen of this State who shall, after the adoption of this constitution, either in or out of this State, fight a duel with deadly weapons, or send or accept a challenge so to do, or who shall act as second, or knowingly aid or assist in any manner, those thus offending, shall ever thereafter be incapable of holding any office of trust or profit under this State.

SEC. 37. No lottery grant shall ever hereafter be authorised by the Legislature.

SEC. 38. The General Assembly shall pass laws necessary to protect the property of the wife from the debts of the husband during her life, and for securing the same to her issue after her death.

SEC. 39. Laws shall be passed by the Legislature to protect from execution a reasonable amount of the property of a debtor, not exceeding in value the sum of five hundred dollars.

SEC. 40. The Legislature shall at its first session after the adoption of this constitution adopt some simple and uniform system of charges in the offices of clerks of courts and registers of wills in the counties of this State and the city of Baltimore, and for the collection thereof; *provided*, the amount of compensation to any

of said officers shall not exceed the sum of twenty-five hundred dollars a year, over and above office expenses, and compensation to assistants; *and provided, further*, that such compensation of clerks, registers, assistants and office expenses, shall always be paid out of the fees or receipts of the offices respectively.

SEC. 41. The House of Delegates shall have the sole power of impeachment in all cases, but a majority of all the members must concur in an impeachment; all impeachments shall be tried by the Senate, and when sitting for that purpose, they shall be on oath or affirmation to do justice according to the law and evidence, but no person shall be convicted without the concurrence of two-thirds of all the Senators.

SEC. 42. That it shall be the duty of the Legislature so soon as the public debt shall have been fully paid off, to cause to be transferred to the several counties and the city of Baltimore, stock in the Internal Improvement companies, equal to the amount respectively paid by each towards the erection and completion of said works at the then market value of said stock.

SEC. 43. The Legislature shall not pass any Law abolishing the relation of master or slave, as it now exists in this State.

SEC. 44. No person shall be imprisoned for debt.

SEC. 45. The Legislature hereafter shall grant no charter for banking purposes or renew any banking corporation now in existence, except upon the condition that the stockholders and directors shall be liable to the amount of their respective share or shares of stock in such banking institution for all its debts and liabilities upon note, bill or otherwise; and upon the further condition that no director or other officer of said corporation shall borrow any money from said corporation; and if any director or other officer shall be convicted upon indictment of directly or indirectly violating this article, he shall be punished by fine or imprisonment at the discretion of the court. All banks shall be open to inspection of their books, papers and accounts, under such regulations as may be prescribed by law.

SEC. 46. The Legislature shall enact no law authorising private property to be taken for public use without just compensation as agreed upon between the parties or awarded by a jury, being first paid or tendered to the party entitled to such compensation.

SEC. 47. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes, and in cases where, in the judgment of the Legislature, the object of the corporation cannot be attained under general laws. All laws and special acts, pursuant to this section, may be altered from time to time, or repealed, *provided*, nothing herein contained shall be construed to alter, change or amend in any manner the article in relation to banks.

SEC. 48. The Legislature shall make provision for all cases of contested elections of any of the officers not herein provided for.

SEC. 49. The rate of interest in this State shall not exceed six per cent per annum, and no higher rate shall be taken or demanded, and the Legislature shall provide by law all necessary forfeitures and penalties against usury.

ARTICLE IV.—JUDICIARY DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in a Court of Appeals, in Circuit Courts, in such Courts for the city of Baltimore as may be hereinafter prescribed, and in Justices of the Peace.

SEC. 2. The Court of Appeals shall have appellate jurisdiction only, which shall be co-extensive with the limits of the State. It shall consist of a chief justice and three associate justices, any three of whom shall form a quorum, whose judgment shall be final and conclusive in all cases of appeals; and who shall have the jurisdiction which the present Court of Appeals of this State now has, and such other appellate jurisdiction as hereafter may be provided for by law. And in every case decided, an opinion, in writing, shall be filed, and provision shall be made, by law, for publishing reports of cases argued and determined in the said court. The Governor, for the time being, by and with the advice and consent of the Senate, shall designate the chief justice, and the Court of Appeals shall hold its sessions at the city of Annapolis, on the first Monday of June, and the first Monday of December, in each and every year.

SEC. 3. The Court of Appeals shall appoint its own clerk, who shall hold his office for six years, and may be re-appointed at the end thereof; he shall be subject to removal by the said court for incompetency, neglect of duty, misdemeanor in office, and for such other causes as may be prescribed by law.

SEC. 4. The State shall be divided into four Judicial districts; Allegany, Washington, Frederick, Carroll, Baltimore and Harford counties shall compose the first; Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles and Prince George's the second; Baltimore city the third; and Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester shall compose the fourth district. And one person from among those learned in the law, having been admitted to practice in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the judicial district, shall be elected from each of said districts by the legal and qualified voters therein, as a judge of the said court of Appeals, who shall hold his office for the term of ten years from the time of his election, or until he shall have attained the age of seventy years, whichever may first happen, and be re-eligible thereto until he shall have attained the age of seventy years and not after, subject to removal for incompetency, wilful neglect of duty or misbehaviour in office, on conviction in a court of law,

or by the Governor upon the address of the General Assembly, two-thirds of the members of each House concurring in such address; and the salary of each of the Judges of the court of Appeals shall be two thousand five hundred dollars annually, and shall not be increased or diminished during their continuance in office; and no fees or perquisites of any kind, shall be allowed by law to any of the said judges.

SEC. 5. No Judge of the Court of Appeals shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or when he shall have been of counsel in said case; when the court of appeals, or any of its members shall be thus disqualified to hear and determine any case or cases in said court, so that by reason thereof no judgment can be rendered in said court, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law for the trial and determination of said case or cases.

SEC. 6. All Judges of the court of appeals, the circuit courts, and of the courts for the city of Baltimore, shall by virtue of their offices, be conservators of the peace throughout the State.

SEC. 7. All public commissions and grants shall run thus: "The State of Maryland," &c., and shall be signed by the Governor, with the seal of the State annexed; all writs and processes shall run in the same style, and be tested, sealed and signed as usual; and all indictments shall conclude "against the peace, government and dignity of the State."

SEC. 8. The State shall be divided into eight Judicial Circuits, in manner and form following, to wit: St. Mary's, Charles and Prince George's counties shall be the first; Anne Arundel, Howard, Calvert and Montgomery counties shall be the second; Frederick and Carroll counties shall be the third; Washington and Allegany counties shall be the fourth; Baltimore city shall be the fifth; Baltimore, Harford and Cecil counties shall be the sixth; Kent, Queen Anne's, Talbot and Caroline counties shall be the seventh; and Dorchester, Somerset and Worcester counties shall be the eighth; and there shall be elected as hereinafter directed for each of the said Judicial Circuits, except the fifth, one person from among those learned in the law, having been admitted to practice in this State, and who shall have been a citizen of this State at least five years, and above the age of thirty years at the time of his election, and a resident of the Judicial Circuit, to be Judge thereof; the said judges shall be styled Circuit Judges, and shall respectively hold a term of their courts at least twice in each year, or oftener if required by law, in each county composing their respective circuits; and the said courts shall be called Circuit Courts for the county in which they may be held, and shall have, and exercise in the several counties of this State, all the power, authority

and jurisdiction, which the county courts of this State now have, and exercise, or which may hereafter be prescribed by law, and the said judges in their respective circuits shall have and exercise all the power, authority and jurisdiction of the present Court of Chancery of Maryland; *Provided*, nevertheless that Baltimore county court may hold its sittings within the limits of the city of Baltimore, until provision shall be made by law for the location of a county seat, within the limits of the said county proper, and the erection of a court house and all other appropriate buildings for the convenient administration, of justice in said court.

SEC. 9. The judges of the several judicial circuits shall be citizens of the United States, and shall have resided five years in this State, and two years in the judicial circuit for which they may be respectively elected, next before the time of their election, and shall reside therein, while they continue to act as judges; they shall be taken from among those who, having the other qualifications herein prescribed, are most distinguished for integrity, wisdom and sound legal knowledge, and shall be elected by the qualified voters of the said circuits and shall hold their offices for the term of ten years, removable for misbehaviour, on conviction in any court of law, or by the Governor upon the address of the General Assembly; *provided*, that two-thirds of the members of each House shall concur in such address; and the said judges shall each receive a salary of two thousand dollars a year, and the same shall not be increased or diminished during the time of their continuance in office; and no judge of any court in this State, shall receive any perquisite, fee, commission or reward, in addition thereto, for the performance of any judicial duty.

SEC. 10. There shall be established for the city of Baltimore, one court of law, to be styled "The Court of Common Pleas," which shall have civil jurisdiction in all suits, where the debt or damage claimed shall be over one hundred dollars, and shall not exceed five hundred dollars; and shall, also, have jurisdiction in all cases of appeal from the judgment of justices of the peace in the said city, and shall have jurisdiction in all applications for the benefit of the insolvent laws of this State, and the supervision and control of the Trustees thereof.

SEC. 11. There shall also be established for the city of Baltimore, another court of law to be styled the "Superior Court of Baltimore city," which shall have jurisdiction over all suits where the debt or damage claimed shall exceed the sum of five hundred dollars, and in case any plaintiff or plaintiffs shall recover less than the sum or value of five hundred dollars, he, or they, shall be allowed or adjudged to pay costs in the discretion of the court. The said court shall also have jurisdiction as a court of equity within the limits of the said city, and in all other civil cases which have not been heretofore assigned to the court of common pleas.

SEC. 12. Each of the said two courts shall consist of one Judge, who shall be elected by the legal and qualified voters of the said city, and shall hold his office for the term of ten years, subject to the provisions of this constitution, with regard to the election and qualification of Judges, and their removal from office; and the salary of each of the said Judges shall be twenty-five hundred dollars a year, and the legislature shall whenever it may think the same proper and expedient, provide by law another court for the city of Baltimore, to consist of one Judge to be elected by the qualified voters of the said city, who shall be subject to the same constitutional provisions, hold his office for the same term of years, and receive the same compensation as the Judge of the court of common pleas of the said city; and the said court shall have such jurisdiction and powers as may be prescribed by law.

SEC. 13. There shall also be a criminal court for the city of Baltimore, to be styled the "Criminal court of Baltimore," which shall consist of one Judge, who shall also be elected by the legal and qualified voters of the said city, and who shall have and exercise all the jurisdiction now exercised by Baltimore city court; and the said Judge shall receive a salary of two thousand dollars a year, shall be subject to the provisions of this constitution with regard to the election and qualification of Judges' term of office, and removal therefrom.

SEC. 14. There shall be in each county a clerk of the Circuit court, who shall be elected by the qualified voters of each county, and the person receiving the greatest number of votes shall be declared and returned duly elected clerk of said circuit court for the said county, and shall hold his office for the term of six years from the time of his election, and until a new election is held, shall be re-eligible thereto, and subject to removal for wilful neglect of duty, or other misdemeanor in office on conviction in a court of law. There shall also be a clerk of the court of common pleas, in Baltimore city, and a clerk of the superior court of Baltimore city; and there shall also be a clerk of the criminal court of Baltimore city, and each of said clerks shall be elected as aforesaid by the qualified voters of the city of Baltimore, and shall hold his office for six years from the time of his election and until a new election is held, and be re-eligible thereto, subject, in like manner, to be removed for wilful neglect of duty or other misdemeanor in office on conviction in a court of law. In case of a vacancy in the office of a clerk, the judge or judges of the court, of which he was clerk, shall have the power to appoint a clerk until the general election of delegates held next thereafter, when a clerk shall be elected to fill such vacancy.

SEC. 15. The clerk of the court of Common Pleas for Baltimore city shall have authority to issue within the said city all marriage and other licenses required by law, subject to such pro-

visions as the legislature shall hereafter prescribe; and the clerk of the Superior Court for said city shall have the custody of all deeds, conveyances and other papers, now remaining in the office of the clerk of Baltimore county court, and shall hereafter receive and record all deeds, conveyances and other papers, which are required by law to be recorded in said city. He shall also have the custody of all other papers connected with the proceedings on the law or equity side of Baltimore county court and of the dockets thereof, so far as the same have relation to Baltimore city.

SEC. 16. That the Clerk of the Court of Appeals, the Clerks of the Circuit Courts in the several counties, shall respectively perform all the duties and be entitled to the fees, which appertain to the offices of the Clerks of the Courts of Appeals for the Eastern and Western Shores, and of the clerks of county courts, and the clerks of the Court of Common Pleas, the Superior Court and the Criminal Court for Baltimore city, shall perform all the duties appertaining to their respective offices, and heretofore vested in the Clerks of Baltimore county Court and Baltimore city Court respectively, and be entitled to all the fees now allowed by law; and all laws relating to the Clerk of the Court of Appeals, Clerks of the several county Courts and Baltimore city Court, shall be applicable to the Clerks respectively of the Court of Appeals, the Circuit Courts, the Court of Common Pleas, the Superior Court, and the Criminal Court of Baltimore city until otherwise provided by law; and the said Clerks, when duly elected and qualified according to law, shall have the charge and custody of the records and other papers belonging to their respective offices.

SEC. 17. The qualified voters of the city of Baltimore, and of the several counties of the State, shall on the first Wednesday of November eighteen hundred and fifty-one, and on the same day of the same month in every fourth year forever thereafter, elect three men to be judges of the Orphans' court of said city and counties respectively, who shall be citizens of the State of Maryland, and citizens of the city or county for which they may be severally elected at the time of their election. They shall have all the powers now vested in the Orphans' courts of this State, subject to such changes therein as the legislature may prescribe, and each of said Judges shall be paid at a per diem rate, for the time they are in session, to be fixed by the legislature, and paid by the said counties and city respectively.

SEC. 18. There shall be a Register of Wills in each county of the State and in the city of Baltimore, to be elected by the legal and qualified voters of said counties and city respectively, who shall hold his office for six years from the time of his election, and until a new election shall take place, and be re-eligible thereto, subject to be removed for wilful neglect of duty, or misdemeanor in office, in the same manner that the clerks of the county courts are removable. In the event of any vacancy in the office of

Register of Wills, said vacancy shall be filled by the Judges of the Orphans' court until the general election next thereafter for Delegates to the General Assembly, when a Register shall be elected to fill such vacancy.

SEC. 19. The Legislature at its first session after the adoption of this constitution, shall fix the number of the Justices of the Peace and Constables for each ward of the city of Baltimore, and for each election district in the several counties, who shall be elected by the legal and qualified voters thereof respectively, at the next general election for delegates thereafter, and shall hold their offices for two years from the time of their election, and until their successors in office are elected and qualified, and the Legislature may from time to time, increase or diminish the number of Justices of the Peace and Constables to be elected in the several wards and election districts, as the wants and interests of the people may require. They shall be by virtue of their offices, conservators of the peace in the said counties and city respectively, and shall have such duties and compensation as now exist or may be provided for by law. In the event of a vacancy in the office of a Justice of the Peace, the Governor shall appoint a person to serve as Justice of the Peace, until the next regular election of said officers, and in case of a vacancy in the office of constable, the county commissioners of the county in which a vacancy may occur, or the Mayor and city council of Baltimore, as the case may be, shall appoint a person to serve as Constable until the next regular election thereafter for said officers. An appeal shall lie in all civil cases from the judgment of a Justice of the Peace to the Circuit court or to the court of Common Pleas of Baltimore city, as the case may be, and on all such appeals, either party shall be entitled to a trial by jury, according to the laws now existing or which may be hereafter enacted. And the Mayor and City Council may provide, by ordinance, from time to time, for the creation and government of such temporary additional police, as they may deem necessary to preserve the public peace.

SEC. 20. There shall be elected in each county and in the city of Baltimore, every second year, two persons for the office of sheriff for each county, and two for the said city, the one of whom having the highest number of votes of the qualified voters of said county or city, or if both have an equal number, either of them, at the discretion of the Governor, to be commissioned by the Governor for the said office, and having served for two years, such person shall be ineligible for the two years next succeeding; bond with security, to be taken every year, and no sheriff shall be qualified to act before the same be given. In case of death, refusal, disqualification or removal out of the county before the expiration of the said two years, the other person chosen as afore-said shall be commissioned by the Governor to execute the said office for the residue of the said two years, the said person giving

bond with security as aforesaid. No person shall be eligible to the office of sheriff but a resident of such county or city respectively, who shall have been a citizen of this State at least five years preceding his election, and above the age of twenty one years. The two candidates, properly qualified, having the highest number of legal ballots, shall be declared duly elected for the office of sheriff for such county or city, and returned to the Governor, with a certificate of the number of ballots for each of them.

SEC. 21. Coroners, Elisors and Notaries Public shall be appointed for each county and the city of Baltimore, in the manner now prescribed by law, or in such other manner as the General Assembly may hereafter direct.

SEC. 22. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the case; and whenever any of the judges of the circuit courts, or of the courts for Baltimore city shall be thus disqualified, or whenever, by reason of sickness, or any other cause, the said judges or any of them, may be unable to sit in any cause, the parties may, by consent, appoint a proper person to try the said cause, or the judges or any of them shall do so, when directed by law.

SEC. 23. The present chancellor and the register in chancery, and in the event of any vacancy in their respective offices, their successors in office respectively, who are to be appointed as at present, by the Governor and Senate, shall continue in office, with the powers and compensation as at present established, until the expiration of two years after the adoption of this constitution by the people, and until the end of the session of the Legislature next thereafter, after which the said offices of Chancellor and Register shall be abolished. The Legislature shall, in the meantime, provide by law for the recording, safe keeping or other disposition, of the records, decrees and other proceedings of the court of chancery, and for the copying and attestation thereof, and for the custody and use of the great seal of the State, when required, after the expiration of the said two years, and for transmitting to the said counties and to the city of Baltimore, all the cases and proceedings in said court then undisposed of and unfinished, in such manner, and under such regulations as may be deemed necessary and proper; *provided*, that no new business shall originate in the said court, nor shall any cause be removed to the same from any other court, from and after the ratification of this constitution.

SEC. 24. The first election of Judges, Clerks, Registers of Wills, and all other officers, whose election by the people is provided for in this article of the Constitution, except Justices of the Peace and Constables, shall take place throughout the State on the first Wednesday of November next after the ratification of this Constitution by the people.

SEC. 25. In case of the death, resignation removal or other disqualification of a Judge of any of the courts of law, the Governor, by and with the advice and consent of the Senate, shall thereupon appoint a person, duly qualified to fill said office until the next general election for delegates thereafter; at which time an election shall be held as hereinbefore prescribed, for a Judge, who shall hold the said office for ten years, according to the provisions of this constitution.

SEC. 26. In case of the death, resignation, removal or other disqualification of the Judge of an Orphans' court, the vacancy shall be filled by the appointment of the Governor, by and with advice and consent of the Senate.

SEC. 27. Whenever lands lie partly in one county, and partly in another, or partly in a county and partly in the city of Baltimore, or whenever persons proper to be made defendants to proceedings in chancery, reside some in one county, and some in another, that court shall have jurisdiction in which proceedings shall have been first commenced, subject to such rules, regulations and alterations as may be prescribed by law.

SEC. 28. In all suits or actions at law, issues from the orphans' court or from any court sitting in equity, in petitions for freedom, and in all presentments and indictments now pending, or which may be pending at the time of the adoption of this Constitution by the people, or which may be hereafter instituted in any of the courts of law of this State, having jurisdiction thereof, the judge or judges thereof, upon suggestion in writing, if made by the State's Attorney, or the prosecutor for the State, or upon suggestion in writing, supported by affidavit, made by any of the parties thereto, or other proper evidence, that a fair and impartial trial cannot be had in the court where such suit or action at law, issues or petitions or presentment and indictment is depending, shall order and direct the record of proceedings in such suit or action, issues or petitions, presentment or indictment, to be transmitted to the court of any adjoining county; *provided*, that the removal in all civil causes be confined to an adjoining county within the judicial circuit, except as to the city of Baltimore, where the removal may be to an adjoining county, for trial, which court shall hear and determine the same in like manner as if such suit or action, issues or petitions, presentment or indictment, had been originally instituted therein; and *provided also*, that such suggestion shall be made as aforesaid, before or during the term in which the issue or issues may be joined in said suit or action, issues or petition, presentment or indictment, and that such further remedy in the premises may be provided by law as the Legislature shall from time to time direct and enact.

SEC. 29. All elections of judges and other officers provided for by this constitution, shall be certified, and the returns made by the clerks of the respective counties to the Governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected; and in all such elections,

the person having the greatest number of votes, shall be declared to be elected.

SEC. 30. If in any case of election for judges, clerks of the courts of law and registers of wills, the opposing candidates shall have an equal number of votes, it shall be the duty of the Governor to order a new election; and in case of any contested election, the Governor shall send the returns to the House of Delegates, who shall judge of the election and qualification of the candidates at such election.

SEC. 31. Every person of good moral character, being a voter, shall be admitted to practice law in all the courts of law in this State, in his own case.

ARTICLE V.—THE STATE'S ATTORNEYS.

SECTION 1. There shall be an Attorney for the State in each county and the city of Baltimore, to be styled "The State's Attorney," who shall be elected by the voters thereof, respectively, on the first Wednesday of November next, and on the same day every fourth year thereafter, and hold his office for four years from the first Monday of January next ensuing his election, and until his successor shall be elected and qualified, and shall be re-eligible thereto, and be subject to removal therefrom for incompetency, wilful neglect of duty or misdemeanor in office, on conviction in a court of law.

SEC. 2. All elections for the State's Attorney shall be certified to, and returns made thereof, by the clerks of the said counties, and city, to the Judges thereof having criminal jurisdiction, respectively, whose duty it shall be to decide upon the elections and qualifications of the persons returned, and in case of a tie between two or more persons, to designate which of said persons shall qualify as State's Attorney, and to administer the oaths of office to the persons elected.

SEC. 3. The State's Attorney shall perform such duties and receive such fees and commissions as are now prescribed by law for the Attorney General and his Deputies, and such other duties, fees and commissions as may hereafter be prescribed by law, and if any State's Attorney shall receive any other fee or reward than such as is, or may be allowed by law, he shall, on conviction thereof, be removed from office.

SEC. 4. No person shall be eligible to the office of State's Attorney who has not been admitted to practice the law in this State, and who has not resided for at least one year in the county or city in which he may be elected.

SEC. 5. In case of vacancy in the office of State's Attorney, or of his removal from the county or city in which he shall have been elected, or on his conviction as herein before specified, the said vacancy shall be filled by the Judge of the county or city respectively, having criminal jurisdiction in which said vacancy shall occur, until the election and qualification of his successor; at which election said vacancy shall be filled by the voters of the said county or city, for the residue of the term thus made vacant.

SEC. 6. It shall be the duty of the clerk of the court of appeals, and of the Commissioner of the Land Office, respectively, whenever a case shall be brought into said court or office, in which the State is a party, or has an interest, immediately to notify the Governor thereof.

ARTICLE VI.—TREASURY DEPARTMENT.

SECTION 1. There shall be a Treasury Department, consisting of a Comptroller, chosen by the qualified electors of the State, at each election of members of the House of Delegates, who shall receive an annual salary of two thousand five hundred dollars; and of a Treasurer, to be appointed by the two Houses of the Legislature, at each session thereof, on joint ballot, who shall also receive an annual salary of two thousand five hundred dollars; and neither of the said officers shall be allowed or receive any fees, commissions, or perquisites of any kind, in addition to his salary, for the performance of any duty or service whatever. In case of a vacancy in either of the offices, by death or otherwise, the Governor, by and with the advice and consent of the Senate, shall fill such vacancy by appointment, to continue until another election by the people, or a choice by the legislature, as the case may be, and the qualification of the successor. The Comptroller and the Treasurer shall keep their offices at the seat of government, and shall take such oath, and enter into such bonds, for the faithful discharge of their duties, as the Legislature shall prescribe.

SEC. 2. The Comptroller shall have the general superintendence of the fiscal affairs of the State; he shall digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; prepare and report estimates of the revenue and expenditure of the State; superintend and enforce the collection of all taxes and revenue; adjust, settle and preserve all public accounts; decide on the forms of keeping and stating accounts; grant, under regulations prescribed by law, all warrants for moneys to be paid out of the treasury, in pursuance of appropriations by law; prescribe the formalities of the transfer of stock or other evidences of the State debt, and countersign the same, without which such evidences shall not be valid; he shall make full reports of all his proceedings, and of the state of the Treasury Department, within ten days after the commencement of each session of the Legislature, and perform such other duties as shall be prescribed by law.

SEC. 3. The Treasurer shall receive and keep the moneys of the State, and disburse the same upon warrants drawn by the Comptroller, and not otherwise; he shall take receipts for all moneys paid by him, and all receipts for moneys received by him shall be endorsed upon warrants signed by the Comptroller, without which warrant, so signed, no acknowledgement of money received into the Treasury shall be valid; and upon warrants issued by the Comptroller he shall make arrangements for the payment of the interest of the public debt, and for the purchase thereof, on account of the sinking fund. Every bond, certificate, or other evidence of the debt of the State, shall be signed by the Treasurer and countersigned by the Comptroller, and no new certificate or other evi-

dence intended to replace another shall be issued until the old one shall be delivered to the Treasurer, and authority executed in due form for the transfer of the same shall be filed in his office, and the transfer accordingly made on the books thereof, and the certificate or other evidence cancelled; but the Legislature may make provision for the loss of certificates or other evidence of the debt.

SEC. 4. The Treasurer shall render his accounts quarterly to the Comptroller; and on the third day of each session of the Legislature he shall submit to the Senate and House of Delegates fair and accurate copies of all accounts by him from time to time rendered and settled with the Comptroller. He shall at all times submit to the Comptroller, the inspection of the moneys in his hands, and perform all other duties that shall be prescribed by law.

ARTICLE VII.—SUNDRY OFFICERS.

SECTION 1. At the first general election of delegates to the General Assembly, after the adoption of this constitution, four commissioners shall be elected as hereinafter provided, who shall be styled "Commissioners of Public Works;" and who shall exercise a diligent and faithful supervision of all Public Works, in which the State may be interested as stockholder or creditor, and shall represent the State in all meetings of the Stockholders, and shall appoint the Directors in every Rail Road or Canal company, in which the State has the constitutional power to appoint Directors. It shall also be the duty of the commissioners of Public Works to review, from time to time, the rate of tolls adopted by any company; use all legal powers which they may possess, to obtain the establishment of rates of tolls, which may prevent an injurious competition with each other, to the detriment of the interests of the State; and so to adjust them as to promote the Agriculture of the State. It shall, also, be the duty of the said commissioners of Public Works, to keep a Journal of their proceedings; and at each regular session of the Legislature, to make to it a report, and to recommend such legislation as they shall deem necessary and requisite to promote or protect the interest of the State in the Public Works; and perform such other duties as may be prescribed by law. They shall each receive such salary as may be allowed by law, which shall not be increased or diminished during their continuance in office.

SEC. 2 For the election of the Commissioners of Public Works, the State shall be divided into four districts. The counties of Alleghany, Washington, Frederick, Carroll, Baltimore and Harford, shall constitute the first district. The counties of Montgomery, Howard, Anne Arundel, Calvert, St. Mary's, Charles and Prince George's, shall constitute the second district. Baltimore city shall constitute the third District. The counties of Cecil, Kent, Queen Anne's, Talbot, Caroline, Dorchester, Somerset and Worcester, shall constitute the fourth district. One commissioner shall be elected in each district, who shall have been a resident thereof at least five years next preceding his election.

SEC. 3. The said Commissioners shall be elected by the qualified voters of their districts respectively ; the returns of their election shall be certified to the Governor, who shall, by proclamation, declare the result of the election. Two of the said commissioners, first elected, shall hold their office for four years, and the other two for two years from the first Monday of December next succeeding their election. And at the first meeting after their election, or as soon thereafter as practicable, they shall determine, by lot, who of their number shall hold their offices for four and two years respectively; and thereafter there shall be elected as aforesaid, at each general election of Delegates, two commissioners for the term of four years, to be taken from the districts respectively, wherein the commissioners resided at the time of their election, whose term of service has expired. And in case of a vacancy in the office of either of said commissioners, by death, resignation or otherwise, the Governor by and with the advice and consent of the Senate, shall appoint some qualified person from the same district, to serve until the next general election of Delegates, when an election shall be held, as aforesaid, for a commissioner for the residue of said term. And in case of an equal division in the board of commissioners, on any subject committed to their charge, the Treasurer of the State shall have power, and shall be called on to decide the same. And in the event of a tie vote for any two of the candidates for the office of commissioner in the same district, it shall be the duty of the Governor to commission one or the other of the candidates having the equal number of votes. And if the Governor doubt the legality or result of any election held for said commissioners, it shall be his duty to send the returns of such election to the House of Delegates, who shall judge of the election and qualification of the candidates at such election.

Sec. 4. During the continuance of the lottery system in this State, there shall be elected by the legal and qualified voters of the State, at every general election for delegates to the General Assembly, one Commissioner of Lotteries, who shall hold his office for two years, and till the qualification of his successor, and shall be re-eligible. His whole compensation shall be paid out of the fund raised for the Maryland Consolidated Lottery grants, and shall not exceed the amount of commissions received by one of the present Lottery Commissioners, out of said fund ; and he shall give such bond for the faithful performance of his duties as is now given by the Lottery Commissioners. The term of the commissioner, who shall be elected at the general election for Delegates next succeeding the adoption of this constitution, shall commence at the expiration of the commissions of the present Lottery commissioners, and continue for two years, and till the qualification of his successor.

Sec. 5. From and after the first day of April, eighteen hundred and fifty-nine, no lottery scheme shall be drawn, for any purpose whatever, nor shall any lottery ticket be sold in this State ; and it shall be the duty of the several commissioners elected under this

constitution, to make such contract or contracts as will extinguish all existing lottery grants before the said first day of April, eighteen hundred and fifty nine, and also secure to the State a clear yearly revenue equal to the average amount derived by the State from the system for the last five years; but no such contract or contracts shall be valid until approved by the Treasurer and Comptroller.

Sec. 6. There shall be a commissioner of the Land Office elected by the qualified voters of the State, at the first general election of Delegates to the Assembly, after the ratification of this constitution, who shall hold his office for the term of six years from the first day of January next after his election. The returns of said election shall be made to the Governor, and in the event of a tie between any two or more candidates, the Governor shall direct a new election to be held by writs to the several Sheriffs, who shall hold said election after at least twenty days notice, exclusive of the day of election. The said commissioner shall sit as judge of the Land Office, and receive therefor the sum of two hundred dollars per annum, to be paid out of the State Treasury. He shall also perform the duties of the Register of the Land Office, and be entitled to receive therefor the fees now chargeable by said office; and he shall also perform the duties of Examiner General, and be entitled to receive therefor the fees now chargeable by said officer. The office of Register of the Land Office and Examiner General shall be abolished from and after the election and qualification of the Commissioner of the Land Office.

Sec. 7. The State Librarian shall be elected by the joint vote of the two branches of the Legislature for two years, and until his successor shall be elected and qualify. His salary shall be one thousand dollars per annum. He shall perform such duties as are now or may hereafter be prescribed by law.

Sec. 8. The county authorities now known as Levy courts or county Commissioners, shall hereafter be styled "county Commissioners," and shall be elected by general ticket, and not by districts, by the voters of the several counties, on the first Wednesday in November, one thousand eight hundred and fifty-one, and on the same day in every second year thereafter. Said commissioners shall exercise such powers and duties only as the Legislature may from time to time prescribe; but such powers and duties, and the tenure of office, shall be uniform throughout the State, and the Legislature shall, at or before its second regular session, after the adoption of this constitution, pass such laws as may be necessary for determining the number for each county, and ascertaining and defining the powers, duties, and tenure of office of said Commissioners; and until the passage of such laws the Commissioners elected under this Constitution shall have and exercise all the powers and duties in their respective counties, now exercised by the county authorities under the laws of the State.

Sec. 9. The General Assembly shall provide by law for the election of Road Supervisors, in the several counties, by the vo-

ters of the election districts respectively, and may provide by law for the election or appointment of such other county officers as may be required, and are not herein provided for, and prescribe their powers and duties; but the tenure of office, their powers and duties, and mode of appointment, shall be uniform throughout the State.

Sec. 10. The qualified voters of each county, and the city of Baltimore, shall, at the first election of delegates after the adoption of this Constitution, and every two years thereafter, elect a Surveyor for the counties, and the city of Baltimore respectively, whose duties and compensation shall be the same, as are now prescribed by law for the county and city Surveyors, respectively, or as may hereafter be prescribed by law. The term of office of said county and city Surveyors respectively, shall commence on the first Monday of January next succeeding their election. And vacancies in said office of Surveyors, by death, resignation or removal from their respective counties, or city, shall be filled by the Commissioners of the counties, or Mayor and City Council of Baltimore respectively.

Sec. 11. The qualified voters of Worcester county shall, at the first election of delegates after the adoption of this constitution, and every two years thereafter, elect a wreck master for said county, whose duties and compensation shall be the same as are now prescribed or may be hereafter prescribed by law. The term of office of said wreck-master shall commence on the first Monday of January next succeeding his election; and a vacancy in said office by death, resignation or removal from the county, shall be filled by the county commissioners of said county, for the residue of the term thus made vacant.

ARTICLE VIII.—NEW COUNTIES.

Section 1. That part of Anne Arundel county called Howard District is hereby erected into a new county, to be called Howard county, the inhabitants whereof shall have, hold and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State; and its civil and municipal officers, at the time of the ratification of this constitution, shall continue in office until their successors shall have been elected or appointed, and shall have qualified as such; and all rights, powers and obligations incident to Howard District of Anne Arundel county shall attach to Howard county.

Sec. 2. When that part of Allegany county, lying south and west of a line, beginning at the summit of Big Back Bone or Savage Mountain, where that mountain is crossed by Mason and Dixon's line, and running thence by a straight line to the middle of Savage River, where it empties into the Potomac river; thence by a straight line, to the nearest point or boundary of the State of Virginia; then with said boundary to Fairfax stone, shall contain a population of ten thousand, and the majority of electors thereof

shall desire to separate and form a new county, and make known their desire by petition to the Legislature, the Legislature shall direct at the next succeeding election, that the judges shall open a book at each election district in said part of Allegany county, and have recorded therein the vote of each elector "For" or "Against" a new county. In case the majority are in favor, then said part of Allegany county to be declared an independent county, and the inhabitants whereof shall have and enjoy all such rights and privileges as are held and enjoyed by the inhabitants of the other counties in this State; provided, that the whole representation in the General Assembly of the county, when divided, shall not exceed the present delegation, of Allegany county, allowed under the constitution, until after the next census.

ARTICLE IX.—MILITIA.

SEC. 1. It shall be the duty of the Legislature to pass laws for the enrollment of the militia; to provide for districting the State into divisions, brigades, battalions, regiments and companies; and to pass laws for the effectual encouragement of volunteer corps by some mode which may induce the formation and continuance of at least one volunteer company in every county and division in the city of Baltimore. The company, battalion and regimental officers (staff officers excepted) shall be elected by the persons composing their several companies, battalions and regiments.

SEC. 2. The Adjutant General shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall hold his office for the term of six years, and receive the same salary as heretofore, until changed by the Legislature.

ARTICLE X.—MISCELLANEOUS.

SEC. 1. Every officer of this State, the Governor excepted, the entire amount of whose pay or compensation received for the discharge of his official duties, shall exceed the yearly sum of three thousand dollars, shall keep a book in which shall be entered every sum or sums of money received by him or on his account as a payment or compensation for his performance of official duties, a copy of which entries in said book, verified by the oath of the officer by whom it is directed to be kept, shall be returned yearly to the Treasurer of the State for his inspection, and that of the General Assembly of Maryland; and each of such officers, when the amount received by him for the year shall exceed the sum of three thousand dollars, shall yearly pay over to the Treasurer the amount of such excess by him received, subject to such disposition thereof as the Legislature may deem just and equitable. And any such officer failing to comply with the said requisition, shall be deemed to have vacated his office, and be subject to suit by the State for the amount that ought to have been paid into the treasury.

SEC. 2. The Legislature shall have power to pass all such laws as may be necessary and proper for carrying into execution the powers vested by this Constitution, in any department or of-

fice of the government, and the duties imposed upon them thereby.

SEC. 3. If in any election directed by this Constitution any two or more candidates shall have the highest and an equal number of votes, a new election shall be ordered, unless in cases specially provided for by the Constitution.

SEC. 4. The trial by jury of all issues of fact in civil proceedings in the several courts of law of this State, where the amount in controversy exceeds the sum of five dollars, shall be inviolably preserved.

SEC. 5. In the trial of all criminal cases, the jury shall be the judges of law as well as fact.

SEC. 6. The Legislature shall have power to regulate by law all matters which relate to the judges, time, place and manner of holding elections in this State, and of making returns thereof, provided that the tenure and term of office, and the day of election, shall not be effected thereby.

SEC. 7. All rights vested and all liabilities incurred shall remain as if this Constitution had not been adopted.

SEC. 8. The Governor and all officers, civil and military, now holding commissions under this State, shall continue to hold and exercise their offices according to their present tenure, until they shall be superceded pursuant to the provisions of this Constitution, and until their successors be duly qualified.

SEC. 9. The Sheriffs of the several counties of this State and of the city of Baltimore shall give notice of the several elections authorised by this Constitution in the manner prescribed by existing laws for elections under the present Constitution.

SEC. 10. This Constitution, if adopted by a majority of the legal votes cast on the first Wednesday of June next, shall go into operation on the fourth day of July next, and on and after said day shall supercede the present Constitution of this State.

ARTICLE XI.—AMENDMENT OF THE CONSTITUTION.

It shall be the duty of the Legislature, at its first session immediately succeeding the returns of every census of the United States, hereafter taken, to pass a law for ascertaining, at the next general election of delegates, the sense of the people of Maryland in regard to calling a convention for altering the Constitution; and in case the majority of votes cast at said election shall be in favor of calling a convention, the Legislature shall provide for assembling such convention, and electing delegates thereto at the earliest convenient day; and the delegates to the said convention shall be elected by the several counties of the State and the city of Baltimore, in proportion to their representation respectively in

